

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 MARSHALL DIVISION

4 VOCALIFE LLC,) (

5 PLAINTIFF,) (CIVIL ACTION NO.

6) (2:19-CV-123-JRG

7 VS.) (MARSHALL, TEXAS

8) (

9 AMAZON.COM, INC. and) (

10 AMAZON.COM LLC,) (OCTOBER 1, 2020

11 DEFENDANTS.) (9:24 A.M.

12 TRANSCRIPT OF JURY TRIAL

13 MORNING SESSION

14 BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

15 UNITED STATES CHIEF DISTRICT JUDGE

16
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23

24 (Proceedings recorded by mechanical stenography, transcript
produced on a CAT system.)

25

P R O C E E D I N G S

(Venire panel in.)

COURT SECURITY OFFICER: All rise.

THE COURT: Good morning. Please be seated.

Good morning, ladies and gentlemen. Thank you for being here.

My name is Rodney Gilstrap, and I am the Chief United States District Judge for the U.S. District Court for the Eastern District of Texas.

I have lived in Marshall since 1981, when I got out of law school. I practiced law in this community and in the general East Texas area for 30 years. And in 2011 I was appointed to this position and have been here ever since.

I have a confession to make to all of you. I was not born in Texas, but I got here as quick as I could.

I came to Texas to attend college and then law school at Baylor University in Waco.

I am married. I have two grown children. And my wife owns and operates a retail floral business here in Marshall.

Now, I tell you all these things, because in a few minutes, I'm going to ask each of you to tell me the same type of information about yourselves, and I think you're entitled to know as much about me as I'm about to find out

09:25:21 1 about each of you.

09:25:22 2 We are about to engage in the selection of a jury
09:25:26 3 in a civil case involving allegations of patent
09:25:30 4 infringement.

09:25:33 5 However, before we go any further, I'd like to
09:25:35 6 mention some of the health and safety precautions that
09:25:39 7 we're going to be taking during this trial.

09:25:41 8 Each of you should have received a letter signed
09:25:44 9 by me attached to your summons outlining in a general sense
09:25:51 10 some of the things you could expect from a health and
09:25:53 11 safety standpoint when you arrived at the courthouse this
09:25:56 12 morning. There are going to be additional safeguards that
09:26:00 13 will be implemented during the trial.

09:26:02 14 As regards the eight of you that will be selected
09:26:05 15 to serve as the jury in this case, and once we begin the
09:26:09 16 trial, each morning during the trial, the members of the
09:26:13 17 jury will have their temperature taken when they enter the
09:26:16 18 courthouse.

09:26:17 19 And each evening after we recess for the day, the
09:26:21 20 jury room, the jury box, and the restrooms that are
09:26:24 21 attached to the jury room will all be specially deep
09:26:27 22 cleaned.

09:26:28 23 Once the jury is selected and seated, we're going
09:26:32 24 to position you in the jury box so that there's a vacant
09:26:36 25 chair between everyone on the jury; that no one is seated

09:26:39 1 directly next to each other.

09:26:41 2 Also, ladies and gentlemen, once you are selected
09:26:44 3 as a member of the jury and seated, I'm going to ask you to
09:26:50 4 take off your masks and, instead, put on one of these
09:26:55 5 plastic face shields.

09:26:58 6 It's very important throughout the trial process
09:27:01 7 that the lawyers in this case are able to see the faces of
09:27:04 8 the eight members of the jury. It's important for me to be
09:27:07 9 able to see the eight faces of the members of the jury.

09:27:11 10 It's important for the jury to see the lawyers.
09:27:13 11 And whether they are masked at counsel table or not,
09:27:16 12 whenever they go to the podium to address the Court or the
09:27:19 13 jury, they will remove a mask if they have one.

09:27:23 14 And since I'm more than six feet away from
09:27:25 15 everybody, I've taken my mask off. It's important for
09:27:28 16 everyone to be able to see everyone through the process,
09:27:31 17 and that's why I'm going to ask the eight members of the
09:27:34 18 jury, once they're selected and seated, to replace their
09:27:37 19 masks with a plastic face shield.

09:27:39 20 Also, those of you that are selected on the jury
09:27:44 21 should know that the Court has ordered the clerk's office
09:27:48 22 to provide separately-boxed lunches every day for the
09:27:53 23 members of the jury, and they'll be brought to you in the
09:27:55 24 jury room. That way no one will have to leave the
09:27:59 25 courthouse, mix socially in the public for lunch, and then

09:28:01 1 come back.

09:28:02 2 Also, it has the added benefit of saving us some
09:28:05 3 time in the process so we won't have to take as long a
09:28:08 4 break each day for lunch.

09:28:10 5 Now, these are some of the precautions we're going
09:28:13 6 to be taking. As I said, there will be more that will come
09:28:17 7 out over the course of the trial, but I wanted to mention
09:28:20 8 these to you in addition to those that I mentioned in my
09:28:24 9 letter that was attached to your summons.

09:28:25 10 All of these are in place so that we can ensure we
09:28:29 11 have not only a fair and an impartial trial, but a safe
09:28:34 12 trial as well.

09:28:35 13 Also, at this time, ladies and gentlemen, if you'd
09:28:38 14 indulge me for a minute, I'd like to review with you how we
09:28:42 15 came to have our American civil jury trial system.

09:28:44 16 If you look back in ancient history, and if you
09:28:48 17 begin with the Pentateuch, the first five books of the Old
09:28:52 18 Testament, you'll see that the ancient Hebrew nation
09:28:55 19 empaneled juries to determine questions of property
09:28:59 20 ownership and property value.

09:29:00 21 The ancient Greeks began using a jury system about
09:29:04 22 1500 BC. The Romans, as they did with many things, copied
09:29:09 23 the jury system from the Greeks. And it was the Romans
09:29:14 24 that brought the jury system with them in the 4th Century
09:29:19 25 AD when they conquered what is now England and the United

09:29:24 1 Kingdom. And that jury system was transported to England
09:29:28 2 in the 4th Century AD.

09:29:31 3 By the 12th Century AD, there had been 800 years
09:29:35 4 of jury trials in England. But in the 12th Century AD, a
09:29:41 5 tyrannical king came to the throne of England named King
09:29:45 6 John, and King John became embroiled in many different
09:29:48 7 disputes with his nobles that led that country to the brink
09:29:52 8 of a civil war.

09:29:53 9 That civil war, however, was avoided. One of the
09:29:55 10 disputes between King John and his nobles that led them to
09:30:00 11 the brink of civil war was King John's attempt to restrict
09:30:04 12 and do away with the right to trial by jury in England.

09:30:06 13 As I say, those disputes were resolved not by war
09:30:10 14 but by a written document that King John and all his nobles
09:30:15 15 signed at a place in England called Runnymede. And the
09:30:20 16 document that was a result of those discussions,
09:30:23 17 resolutions, and settlements that set forth the right to
09:30:25 18 trial by jury in England thereafter is called the Magna
09:30:30 19 Carta.

09:30:31 20 In fact, ladies and gentlemen, as a point of
09:30:35 21 interest, you might be interested to know that there are 28
09:30:38 22 of our American United States -- our states, 28 of them
09:30:41 23 have directly copied the exact language from the Magna
09:30:47 24 Carta addressing the right to trial by jury into their
09:30:50 25 state constitutions.

09:30:51 1 So you can see that the right to trial by jury in
09:30:53 2 civil and in criminal cases was well ingrained in our
09:30:59 3 forefathers when they came to this continent as British
09:31:05 4 colonists. And the jury system in colonial America thrived
09:31:07 5 and flourished for over a hundred years until another
09:31:10 6 tyrannical king came to the throne of Great Britain.

09:31:14 7 This time his name was King George, the III. King
09:31:20 8 George, the III, became embroiled with many disputes and
09:31:23 9 conflicts between the throne in England and his British
09:31:30 10 colonists here in America. Among those disputes was an
09:31:34 11 attempt by King George to, again, limit or do away with the
09:31:39 12 right to trial by jury.

09:31:40 13 As a matter of fact, when Thomas Jefferson wrote
09:31:43 14 the Declaration of Independence, which specifically
09:31:45 15 outlines the various disputes and issues existing between
09:31:48 16 the Crown and the colonies that led to a -- a determination
09:31:53 17 by our forefathers that they needed to break away from and
09:32:00 18 form their own independent country, in the Declaration of
09:32:03 19 Independence, Thomas Jefferson specifically recited the
09:32:06 20 King's attempt to restrict or limit the right to trial by
09:32:09 21 jury as one of the reasons why we needed to leave England
09:32:13 22 and become our own independent nation.

09:32:15 23 In fact, all of you know that that did happen.
09:32:20 24 And after we formed our own independent country as the
09:32:24 25 United States of America, we went through a period of

09:32:29 1 developing our own governing documents. And out of that
09:32:33 2 process, came the United States Constitution, the supreme
09:32:36 3 law of the land.

09:32:37 4 And shortly after the Constitution was ratified,
09:32:40 5 there were 10 amendments that everybody voted to ratify the
09:32:45 6 Constitution for, because they'd effectively been promised
09:32:48 7 those 10 amendments would follow shortly thereafter. And,
09:32:52 8 in fact, those 10 amendments were adopted, those 10
09:32:57 9 amendments you all know as the Bill of Rights.

09:32:59 10 And among the first 10 amendments to the United
09:33:04 11 States Constitution, is the Seventh Amendment. The Seventh
09:33:08 12 Amendment to our Constitution guarantees the right to every
09:33:11 13 American citizen to resolve their civil disputes before a
09:33:13 14 jury of their peers.

09:33:17 15 So the civil jury system is enshrined and
09:33:19 16 guaranteed by the Seventh Amendment to our Constitution.
09:33:23 17 That and the other nine amendments that form the Bill of
09:33:28 18 Rights were ratified in 1791.

09:33:30 19 So you can see that for over two -- well over 200
09:33:34 20 years, every American citizen has had a guaranteed
09:33:38 21 constitutional right to resolve their disputes through a
09:33:40 22 civil jury trial.

09:33:41 23 I always tell citizens who appear for jury duty,
09:33:46 24 as you have this morning, that, in my personal opinion,
09:33:48 25 jury service is the second highest form of public service

09:33:51 1 that any citizen can perform. In my personal view, the
09:33:56 2 highest form of public service are those young men and
09:34:01 3 women that serve in our military.

09:34:03 4 Now, when the lawyers address you this morning,
09:34:06 5 and they'll do that shortly hereafter, they're going to ask
09:34:11 6 various questions.

09:34:11 7 And I want all of you to understand that they will
09:34:14 8 not be trying to pry unduly into your personal affairs.
09:34:18 9 Said another way, ladies and gentlemen, they're not trying
09:34:21 10 to be nosy. They're trying to obtain relevant information
09:34:27 11 to secure the selection of a fair and impartial jury to
09:34:30 12 hear the evidence and to decide the issues in this case.

09:34:32 13 So please keep that in mind. They are not trying
09:34:37 14 to pry unduly into any of your personal business, and they
09:34:41 15 are entitled to ask the questions they ask.

09:34:43 16 The important thing for each of you to keep in
09:34:46 17 mind is that your answers to their questions should be
09:34:48 18 full, complete, and truthful. There are no wrong answers
09:34:53 19 to any question you'll be asked, as long as your response
09:34:56 20 is full, complete, and truthful.

09:34:58 21 I -- I don't know if it will happen today, ladies
09:35:03 22 and gentlemen, it rarely does, but, occasionally, there's a
09:35:06 23 question asked during jury selection that a member of the
09:35:08 24 jury panel finds to be personally so private and so
09:35:14 25 intimate that they're not comfortable answering that

09:35:16 1 question in front of everybody in the courtroom. Again,
09:35:19 2 that doesn't happen very often.

09:35:21 3 But if that should happen, you always have the
09:35:24 4 option to say, as an answer, I'd like to talk about that
09:35:28 5 with Judge Gilstrap. And if that's your answer, I'll
09:35:32 6 provide an opportunity for you to answer the question
09:35:34 7 outside of the presence of everyone else on the panel.
09:35:38 8 But, again, that doesn't come up very often.

09:35:40 9 The trial in this case is going to begin today
09:35:45 10 after the jury is selected, seated, and sworn. It will go
09:35:49 11 through tomorrow. And I anticipate -- my best estimate is
09:35:53 12 that it will take all of next week.

09:35:55 13 So today's the 1st of October. And by my
09:35:59 14 calculations, my best estimate is we should be finished by
09:36:02 15 Friday of next week, which would be the 9th of October.

09:36:06 16 Now, if there are any of you on the panel who
09:36:10 17 could not be here during that period of time, if you were
09:36:13 18 selected, either because you or an immediate member of your
09:36:21 19 family have a surgical procedure that's scheduled that
09:36:24 20 can't be easily rescheduled or you have some other very
09:36:26 21 serious reason why you couldn't be here if you were
09:36:28 22 selected, that's something I need to know about at this
09:36:31 23 time.

09:36:31 24 If any of you fall in that category, please raise
09:36:34 25 your hands and let me make a note of it.

09:36:39 1 I see one hand.

09:36:41 2 Ma'am, would you stand up so I can see your
09:36:44 3 number? No. 23. Okay. Thank you.

09:36:47 4 Anybody -- please have a seat.

09:36:49 5 Anybody else? One more? Couple more.

09:36:53 6 23, 31, and 25. I can see your number. Thank
09:36:59 7 you.

09:36:59 8 Anybody else? 23, 31, and 25. Thank you.

09:37:06 9 All right. I'm going to call for announcements on
09:37:10 10 the record at this time in the case of Vocalife LLC versus
09:37:16 11 Amazon.com, Inc. and Amazon.com LLC. This is Civil Case
09:37:28 12 No. 2:19-cv-123.

09:37:29 13 And, counsel, if you'll introduce those with you
09:37:32 14 at the counsel table when you give your announcements.

09:37:34 15 What says the Plaintiff?

09:37:42 16 MS. TRUELOVE: Good morning, Your Honor. Jennifer
09:37:44 17 Truelove with McKool Smith for Plaintiff, Vocalife. At
09:37:46 18 counsel table with me today, I have my partner, Mr. Sam
09:37:49 19 Baxter, and I also have Mr. Fred Fabricant from the
09:37:55 20 Fabricant law firm.

09:37:57 21 And we're ready to proceed, Your Honor.

09:37:59 22 THE COURT: Thank you.

09:37:59 23 What says the Defendants?

09:38:01 24 MR. DACUS: Good morning, Your Honor. Deron
09:38:06 25 Dacus, here with Dave Hadden. And we also have with us

09:38:17 1 Phil Hilmes from Amazon, Your Honor. And we're ready to
09:38:17 2 proceed.

09:38:18 3 THE COURT: Thank you.

09:38:18 4 As I told you, ladies and gentlemen, this is a
09:38:20 5 case -- a civil case arising out of the patent laws of the
09:38:24 6 United States.

09:38:24 7 And what the Plaintiff is claiming is that its
09:38:26 8 patent has been infringed by the Defendants. And it's
09:38:29 9 seeking money damages because of that alleged infringement.

09:38:35 10 The Defendant denies that it infringes the
09:38:38 11 Plaintiff's patent, and they contend that this particular
09:38:40 12 patent is invalid.

09:38:45 13 Now, what I've just told you is a very shorthand,
09:38:48 14 informal way of describing the case in layman's terms. And
09:38:48 15 I know you've all seen this morning the patent video
09:38:54 16 prepared by the Federal Judicial Center, so you already
09:38:55 17 know more about patent cases than most people do when they
09:38:58 18 appear in federal court.

09:38:59 19 As I've said, the lawyers for both sides are going
09:39:02 20 to proceed to ask questions of the panel later in the
09:39:05 21 process to gather the information that they need to
09:39:09 22 exercise their strikes, their peremptory challenges, to
09:39:12 23 complete the process of selecting the jurors that will hear
09:39:15 24 the evidence and try this case.

09:39:18 25 Again, there aren't any wrong answers as long as

09:39:20 1 the answers to their questions that you give are full,
09:39:23 2 complete, and truthful.

09:39:24 3 If any attorney in the case should ask you a
09:39:30 4 question as a part of jury selection this morning, ladies
09:39:32 5 and gentlemen, that I think is improper, I will certainly
09:39:35 6 stop them. But I don't expect that to happen. These are
09:39:38 7 very experienced and skilled trial lawyers. They
09:39:41 8 understand the rules of this court, and they understand the
09:39:48 9 Federal Rules of Civil Procedure and the Rules of Evidence.
09:39:50 10 I do not expect that to come up.

09:39:52 11 One thing I do want to call your attention to
09:39:54 12 before the lawyers begin with their questioning is that --
09:39:57 13 is the burden of proof that will be required and applied in
09:40:00 14 this case.

09:40:00 15 In a patent case such as this, the jury may be
09:40:04 16 called upon to apply two different burdens of proof to the
09:40:09 17 evidence that's presented.

09:40:10 18 The jury may apply the burden of proof known as
09:40:14 19 the preponderance of the evidence -- I'll say that again,
09:40:19 20 the preponderance of the evidence -- as well as a second
09:40:22 21 and different burden of proof known as clear and convincing
09:40:24 22 evidence -- clear and convincing evidence.

09:40:32 23 Now, when you're responding to lawyers' questions
09:40:35 24 about the burden of proof, I need to instruct you that when
09:40:37 25 a party has the burden of proof on any claim or defense by

09:40:42 1 a preponderance of the evidence, it means that you, the
09:40:46 2 jury, must be persuaded by the credible and believable
09:40:50 3 evidence that that claim or defense is more probably true
09:40:54 4 than not true. I'll say that again, more probably true
09:40:59 5 than not true.

09:41:00 6 Sometimes this is talked about as being the
09:41:04 7 greater weight and degree of credible testimony.

09:41:08 8 Let me give you an example that I hope will be
09:41:12 9 helpful. I think you can all see in front of me and in
09:41:15 10 front of our court reporter there is a statue of the Lady
09:41:19 11 of Justice.

09:41:19 12 She is blindfolded. She holds a sword of justice
09:41:23 13 lowered in her right hand. In her left hand she holds,
09:41:28 14 raised above her, the Scales of Justice.

09:41:30 15 Those scales are balanced and equal -- completely
09:41:34 16 balanced and completely equal. And that should be where
09:41:37 17 the parties in this case start off at the beginning of this
09:41:40 18 trial, completely equal.

09:41:41 19 Over the course of the trial, each side is going
09:41:44 20 to put on their evidence that they believe benefits them
09:41:48 21 and proves the issues that they contend are true in this
09:41:51 22 case.

09:41:52 23 And when all that evidence is in, the jury that's
09:41:57 24 heard the evidence will retire to the jury room when I
09:42:00 25 instruct them to, and they will deliberate on the verdict.

09:42:04 1 And as a part of that verdict, they're going to
09:42:07 2 answer certain questions. And in answering a question
09:42:09 3 where one party has the burden of proof, if you think about
09:42:14 4 all the evidence that's been put on either side of those
09:42:17 5 scales, one side for the Plaintiff and one side for the
09:42:19 6 Defendant, considering all the evidence, if those scales
09:42:24 7 should tip in favor of the party who has the burden of
09:42:28 8 proof by a preponderance of the evidence, even if those
09:42:31 9 scales tip ever so slightly, then that party has met their
09:42:36 10 burden of proof by a preponderance of the evidence.

09:42:38 11 On the other hand, ladies and gentlemen, when a
09:42:45 12 party has the burden of proof on any issue by clear and
09:42:49 13 convincing evidence, that second burden of proof that I
09:42:52 14 mentioned to you, it means that the jury must have an
09:42:55 15 abiding conviction that the truth of the parties' factual
09:43:02 16 contentions are highly probable. Let me say that again for
09:43:05 17 emphasis. An abiding conviction that the truth of the
09:43:08 18 parties' factual contentions are highly probable.

09:43:17 19 This second burden of proof, this clear and
09:43:18 20 convincing evidence burden of proof, is a higher burden of
09:43:21 21 proof than the preponderance of the evidence burden of
09:43:23 22 proof.

09:43:23 23 Let's go back to the example I gave you. If all
09:43:29 24 the evidence in your minds is placed on one side or the
09:43:31 25 other of those scales during this trial, Plaintiff's

09:43:36 1 evidence on one side, the Defendants' evidence on the
09:43:39 2 other, and a party has the burden of proof by clear and
09:43:42 3 convincing evidence, for that party to meet their burden of
09:43:45 4 proof, those scales must tip in that party's favor, and
09:43:49 5 they must definitely tip in that party's favor. It's not
09:43:53 6 adequate that they tip ever so slightly.

09:43:56 7 Again, it is a higher burden of proof. It
09:44:00 8 requires a greater degree of persuasion than the
09:44:02 9 preponderance of the evidence standard.

09:44:04 10 Now, just so there's no confusion, ladies and
09:44:08 11 gentlemen, none of you should think about or consider or
09:44:13 12 apply in this case a third and a very different burden of
09:44:18 13 proof called beyond a reasonable doubt.

09:44:20 14 I'm sure you've all heard of the burden of proof
09:44:24 15 of beyond a reasonable doubt in the media, on television,
09:44:28 16 in movies. That burden of proof is the burden of proof
09:44:32 17 applied in a criminal case.

09:44:33 18 It has absolutely no application whatsoever in a
09:44:35 19 civil case like this. You should not confuse the clear and
09:44:40 20 convincing evidence standard -- the clear and convincing
09:44:44 21 evidence standard with beyond a reasonable doubt. They're
09:44:47 22 not the same thing.

09:44:50 23 The clear and convincing evidence standard is not
09:44:52 24 as high as beyond a reasonable doubt, but it is higher than
09:44:56 25 the preponderance of the evidence.

09:44:58 1 I give you these instructions in case during their
09:45:02 2 questioning the lawyers for either or both sides ask you
09:45:05 3 about your ability to fairly apply both of those burdens of
09:45:10 4 proof to the evidence if you're selected to serve on this
09:45:13 5 jury.

09:45:13 6 Now, before we go any further, this is the point
09:45:16 7 in the process where I'm going to learn as much about you
09:45:19 8 as I told you about me when I first sat down.

09:45:22 9 We're going to go through nine separate questions
09:45:25 10 that are on the monitors in front of you and should be in
09:45:29 11 laminated copies for you to look at.

09:45:33 12 Here's how we're going to do this, ladies and
09:45:35 13 gentlemen: We have two Court Security Officers with us
09:45:38 14 this morning. They're both going to be in the gallery.
09:45:41 15 They're both going to have two sanitized handheld
09:45:45 16 microphones.

09:45:46 17 When it's your turn to answer these questions,
09:45:48 18 they will hand you one of these microphones. I'm going to
09:45:52 19 ask you at that point to stand, to take off or lower your
09:45:56 20 masks so we can see your smiling face, and give us your
09:45:59 21 answers to these nine questions.

09:46:02 22 Once you've finished, you'll hand the microphone
09:46:04 23 back to the Court Security Officer, replace your mask, and
09:46:06 24 have a seat.

09:46:08 25 Also, ladies and gentlemen, later in the process,

09:46:10 1 the lawyers are going to be able to pose specific questions
09:46:14 2 to individual members of the panel.

09:46:16 3 If you're asked a specific question by one of the
09:46:19 4 lawyers in the case, you should follow the very same
09:46:23 5 procedure in giving your answer. You should wait until the
09:46:26 6 Court Security Officer hands you a handheld microphone.
09:46:30 7 You should stand, you should take off your mask, give your
09:46:34 8 answer, replace your mask, hand the microphone back to the
09:46:38 9 Court Security Officer, and have a seat.

09:46:40 10 Please do it that way. We are in a very large
09:46:43 11 courtroom. There are a lot of people here. Especially
09:46:45 12 those of you in the back of the panel are a long way from
09:46:48 13 me, from the Court staff, and from the lawyers. It's very
09:46:53 14 important that you just follow these instructions. Use
09:46:56 15 that handheld microphone. Hold it close enough to your
09:46:58 16 mouth so that it makes a difference, and let us hear from
09:47:02 17 you in that manner.

09:47:05 18 As I say, we have two of these handheld
09:47:07 19 microphones. And after each juror uses one, when it's
09:47:10 20 handed back to the Court Security Officers, they're going
09:47:13 21 to sanitize it, use the other clean microphone in the
09:47:15 22 meantime, and this process will rotate so that none of you
09:47:19 23 are handed a microphone that hasn't been immediately
09:47:23 24 sanitized before it's used.

09:47:25 25 All right. With those instructions, we'll begin

09:47:27 1 with Panel Member No. 1, Ms. Banks.

09:47:31 2 As soon as you get a microphone, if you would
09:47:33 3 stand and hand -- and answer for us those nine questions,
09:47:38 4 please, ma'am.

09:47:38 5 JUROR BANKS: My name is Ellen Banks. I live in
09:47:44 6 Leesburg, Texas. Have lived there for 49 years. I have
09:47:49 7 one child.

09:47:52 8 I am retired from the United States Postal
09:47:56 9 Service. I was a postmaster. I worked there for 23 years.
09:48:03 10 I attended Baylor University.

09:48:07 11 My husband's name is Michael Lynn Banks. He is a
09:48:14 12 truck driver for Eastex Crude in Leesburg. And he's worked
09:48:20 13 there for 21 years.

09:48:26 14 I have served on a criminal case before, on a jury
09:48:30 15 in Camp County, Texas. I think that's all the questions.

09:48:36 16 THE COURT: How long ago was that, ma'am?

09:48:39 17 JUROR BANKS: It's been at least 10 years.

09:48:40 18 THE COURT: All right. Thank you very much,
09:48:42 19 Ms. Banks. If you'll have a seat, please.

09:48:44 20 Next is Panel Member No. 2, Mr. Sheppard.

09:48:49 21 JUROR SHEPPARD: Hello. My name is Trajon
09:48:54 22 Sheppard. I was -- I live in Pittsburg, Texas, for 21
09:48:57 23 years. I am currently laid off from Union Pacific
09:49:03 24 Railroad. I was an engineer there. I worked there for two
09:49:06 25 years.

09:49:07 1 I went to Pittsburg High School, graduated from
09:49:09 2 there.

09:49:10 3 I have no spouse. She doesn't work. And I have
09:49:16 4 no children, by the way.

09:49:19 5 And I have not served on any jury cases.

09:49:22 6 THE COURT: Never served on a jury. Thank you,
09:49:24 7 sir. Please have a seat.

09:49:25 8 Next is Panel Member No. 3, Mr. Wallace.

09:49:30 9 JUROR WALLACE: Thank you, Judge.

09:49:31 10 My name is Barry Wallace. I make my home in
09:49:36 11 Gladewater, Texas, where I've lived since 1993. I have
09:49:40 12 four children, two stepchildren.

09:49:43 13 I'm celebrating three years today working for the
09:49:47 14 Upshur County Criminal District Attorney's Office. I have
09:49:50 15 all the child protective service cases in that county.
09:49:54 16 Prior to that, I had a private office, solo practitioner in
09:49:59 17 Gladewater from 1993 until 2018.

09:50:02 18 I got my high school education, Greenville, Texas.
09:50:06 19 East Texas State University, I got my Bachelor of Arts
09:50:10 20 degree in 1989. I got my Juris Doctorate degree at
09:50:15 21 St. Mary's University in 1992.

09:50:17 22 My wife's name is Susan Budjenska Wallace. She's
09:50:20 23 a retired federal probation officer from the Eastern
09:50:24 24 District of Texas, presently working for the census and
09:50:27 25 helping the good folks out in New Mexico with a bunch of

09:50:30 1 other Texas folks, trying to count heads.

09:50:35 2 She worked in the Eastern District as a probation
09:50:38 3 officer about 20-plus years.

09:50:38 4 I served on a civil jury over in Upshur County
09:50:42 5 within the last 10 years. And that wraps that up.

09:50:45 6 THE COURT: All right, sir. Thank you very much.

09:50:46 7 Next is No. 4, Mr. Miller.

09:50:50 8 JUROR MILLER: Good morning.

09:50:51 9 THE COURT: Good morning.

09:50:52 10 JUROR MILLER: My name is Tanner Miller. I live
09:50:55 11 in New Diana, Texas. I have three children ranging from 20
09:50:59 12 to six years old.

09:51:00 13 I work at Eastman Chemical. I've been there for
09:51:03 14 14 years. I have a high school degree out of Pine Tree.

09:51:09 15 My wife's name is Megan Miller. She's a
09:51:11 16 substitute teacher there in New Diana. And she's been
09:51:16 17 there for two years.

09:51:18 18 And I have not been on a previous case.

09:51:20 19 THE COURT: Never served on a jury?

09:51:22 20 JUROR MILLER: No, sir.

09:51:23 21 THE COURT: Thank you very much.

09:51:24 22 Next is No. 5, Ms. Edwards.

09:51:27 23 JUROR EDWARDS: My name is Elizabeth Edwards. And
09:51:31 24 I live in Ore City. I have two children. And I work at
09:51:36 25 Grubbs-Loyd Funeral Home in Diana. I'm the office manager.

09:51:41 1 I have an Associate's from the University of
09:51:45 2 Phoenix, in psychology.

09:51:47 3 My spouse's name is -- his name is Tracy Edwards.
09:51:50 4 He works for Graphic Packaging. He's a millwright, and
09:51:55 5 he's been there four years.

09:51:56 6 And I've never been on a jury before.

09:51:58 7 THE COURT: Thank you very much.

09:51:58 8 No. 6 is next, Mr. Green.

09:52:02 9 JUROR GREEN: My name is Ron Green. I have one --
09:52:06 10 one son. He's 49 years old. I'm retired. I work
09:52:11 11 different construction job sites. I'm a high school
09:52:17 12 graduate.

09:52:19 13 My wife is deceased.

09:52:21 14 And I have been called to jury service but never
09:52:26 15 served.

09:52:26 16 THE COURT: All right, sir. Thank you very much,
09:52:28 17 Mr. Green.

09:52:28 18 Next is No. 7, Mr. Hirt.

09:52:37 19 JUROR HIRT: My name is Charles Hirt. I've got
09:52:42 20 three children, four grandchildren.

09:52:45 21 I work for International Paper. I'm a forester,
09:52:52 22 basically supplying wood and fuel to the Graphic Packaging
09:52:57 23 Paper Mill in Domino. I've worked there going on five
09:53:00 24 years. This is my second trip. I had 15 years in with
09:53:05 25 International Paper earlier in my career.

09:53:07 1 I have a Bachelor of Science in forest management.
09:53:10 2 My spouse's name is Deanne. She basically was a
09:53:14 3 stay-at-home mother and homemaker, but for five years we
09:53:18 4 had a picture-framing business, until she got MS. So we
09:53:26 5 had that five years.

09:53:27 6 And I have no prior jury service.

09:53:29 7 THE COURT: Thank you, sir.

09:53:29 8 Next is No. 8, Ms. Burton.

09:53:36 9 JUROR BURTON: Hello. My name is Dyan Burton.
09:53:40 10 I'm from Atlanta, Texas. I have no children. I currently
09:53:41 11 work for Texarkana Regional Arts Center & Humanities
09:53:43 12 Council. I'm an assistant. I've only worked there for a
09:53:47 13 year.

09:53:48 14 I graduated from Queen City High School, and then
09:53:50 15 I just recently graduated from Texas A&M Texarkana with my
09:53:56 16 Bachelor's of Science in psychology with a minor in
09:53:59 17 criminal justice. And I'm currently working on my Master's
09:54:02 18 in counseling.

09:54:04 19 I have no spouse.

09:54:05 20 And have never served.

09:54:06 21 THE COURT: All right. Thank you very much,
09:54:07 22 ma'am.

09:54:08 23 Next is No. 9, Mr. Evers.

09:54:12 24 JUROR EVERS: My name is Anthony Evers. I go by
09:54:18 25 Craig, but Anthony is good. I am from Harleton, Texas, so

09:54:18 1 I'm from the Marshall area and have been for a while.

09:54:18 2 I was in education for 28 years. I taught math
09:54:23 3 and was a principal. I have my mid-management degree, and
09:54:27 4 I also have my superintendent certificate, but I'm retired
09:54:35 5 from there. I've also pastored for 30 years and am a
09:54:36 6 pastor of a local church here.

09:54:38 7 I am divorced. And I have three grown daughters,
09:54:41 8 who are very beautiful.

09:54:42 9 And I have never served on a jury duty.

09:54:45 10 THE COURT: All right. Thank you, Mr. Evers.

09:54:47 11 Next is Panel Member No. 10, Ms. Friday.

09:54:52 12 JUROR FRIDAY: My name is Angela Friday. I have
09:54:54 13 two children.

09:54:55 14 THE COURT: Ms. Friday, will you hold that
09:54:57 15 microphone close?

09:54:58 16 JUROR FRIDAY: Oh, I'm sorry.

09:54:59 17 THE COURT: Thank you.

09:55:00 18 JUROR FRIDAY: Angela Friday. I have two
09:55:03 19 children. My place of -- I used to work at the Sonoco
09:55:06 20 Products in Jefferson, Texas, for 31 years. Now I work at
09:55:13 21 the primary school in Jefferson, Texas. I been there three
09:55:18 22 and a half years. I'm a food server.

09:55:21 23 I finished high school.

09:55:22 24 Divorced.

09:55:22 25 And I served on a grand jury once before.

09:55:25 1 THE COURT: Ever served on a petit jury like this?

09:55:28 2 JUROR FRIDAY: (Shakes head negatively.)

09:55:29 3 THE COURT: Okay. Thank you very much, ma'am.

09:55:30 4 No. 11 is next. Mr. Amick or Amick -- I'm not
09:55:36 5 sure how to pronounce it.

09:55:38 6 JUROR AMICK: William Amick is how you pronounce
09:55:41 7 it.

09:55:41 8 THE COURT: Thank you, sir.

09:55:42 9 JUROR AMICK: I live in Jefferson. I have a grown
09:55:45 10 stepdaughter. I work at Caddo Creek Resources, which is
09:55:51 11 coal mine on south 59 off of Gill community. I worked
09:55:57 12 there six years. High school education.

09:56:01 13 My wife, Lois, is retired. She was a bookkeeper
09:56:09 14 during her career.

09:56:11 15 And I have served on two criminal cases.

09:56:14 16 THE COURT: And where were those and how long ago
09:56:15 17 has it been?

09:56:17 18 JUROR AMICK: Limestone County, and it's been 15
09:56:23 19 years, probably, or better.

09:56:25 20 THE COURT: All right, sir. Thank you very much.

09:56:27 21 Next is No. 12, Ms. Wheeler.

09:56:37 22 JUROR WHEELER: My name is Marquitta Wheeler.

09:56:40 23 And I live here in Marshall. I don't have any children. I
09:56:40 24 work as a meat clerk in Kroger, and I've been there for two
09:56:45 25 years. And I graduated from high school in Fountain Hill,

09:56:49 1 Arkansas.

09:56:50 2 My spouse's name is Ilea, and she is an Army
09:56:56 3 veteran, and she was in for six years.

09:56:58 4 And I've never served on a jury.

09:57:00 5 THE COURT: Thank you very much.

09:57:01 6 Next is No. 13, Ms. Stansbury.

09:57:03 7 JUROR STANSBURY: My name is Ashley Stansbury. I
09:57:10 8 live in Gilmer, Texas. I have zero children, and I have
09:57:14 9 one on the way.

09:57:15 10 I work for the Upshur County District Attorney.
09:57:18 11 I'm a receptionist there. I've worked there a little over
09:57:22 12 a year.

09:57:24 13 I graduated from Gilmer High School, and I got an
09:57:28 14 Associate's in business.

09:57:30 15 My spouse's name is Cody Stansbury. And he lives
09:57:32 16 in -- he works at Kia in Longview. He's been there eight
09:57:37 17 years.

09:57:39 18 And I have never served on a jury.

09:57:40 19 THE COURT: Ma'am, do you mind me asking when your
09:57:43 20 due date is?

09:57:44 21 JUROR STANSBURY: Sir?

09:57:45 22 THE COURT: When is your due date?

09:57:49 23 JUROR STANSBURY: January 23rd.

09:57:51 24 THE COURT: Great. Thank you.

09:57:52 25 All right. Next is No. 14, Ms. Huskey.

09:57:55 1 JUROR HUSKEY: Good morning. I'm Tracie Huskey.
09:57:58 2 I'm from Leesburg, Texas.
09:58:00 3 My husband is Don Huskey. We do not have any
09:58:03 4 children.
09:58:03 5 We own two businesses, Pittsburg and Alba Tractor
09:58:08 6 in Pittsburg, Texas.
09:58:10 7 I have a BS in hospitality management with a minor
09:58:17 8 in business.
09:58:17 9 And we've owned those businesses for about 15
09:58:20 10 years.
09:58:20 11 And I have not served on a jury.
09:58:22 12 THE COURT: Thank you very much, ma'am.
09:58:24 13 Next is No. 15, Mr. Smith.
09:58:28 14 JUROR SMITH: Yes. My name is name is James
09:58:32 15 Smith. I live in Pittsburg, Texas. I have three children.
09:58:36 16 I work at Parker Trailer Sales in Mt. Pleasant,
09:58:42 17 Texas. I repair trailers. I've been there about 26 years.
09:58:47 18 I graduated high school.
09:58:49 19 Divorced.
09:58:51 20 I've served on a criminal case in Pittsburg.
09:58:55 21 THE COURT: How long ago has that been, sir?
09:58:58 22 JUROR SMITH: It's been about three years ago.
09:59:00 23 THE COURT: Thank you very much.
09:59:00 24 Next is Mr. Stephenson, No. 16.
09:59:04 25 JUROR STEPHENSON: Steve Stephenson. Live in

09:59:08 1 McLeod. Got four grown kids.

09:59:11 2 Been working at Day & Zimmermann for three weeks
09:59:14 3 now.

09:59:15 4 And I'm divorced.

09:59:16 5 And never been on a jury.

09:59:17 6 THE COURT: What do you do at your work, sir?

09:59:20 7 JUROR STEPHENSON: I don't know if -- they -- I
09:59:22 8 didn't sign an NDA, but they asked me to not say stuff.

09:59:27 9 THE COURT: Okay.

09:59:30 10 JUROR STEPHENSON: You want me --

09:59:31 11 THE COURT: I don't want you to violate anything.

09:59:34 12 I just would like a general idea of what you do for a
09:59:38 13 living, if -- if you can give me that.

09:59:39 14 JUROR STEPHENSON: Day & Zimmermann builds
09:59:45 15 ammunition for the military.

09:59:46 16 THE COURT: Okay. That's plenty. Thank you.

09:59:48 17 All right. No. 17 is next. Mr. Porter.

09:59:48 18 JUROR BOBBY PORTER: My name is Bobby Ray Porter.

09:59:50 19 I'm from Pittsburg, Texas. And I have eight children;
09:59:54 20 seven sons and one daughter.

09:59:56 21 And I worked at Texas Utility Coal Mine for 30
10:00:00 22 years. I have a high school education.

10:00:02 23 And my wife's name is Joslyn Porter. She's a
10:00:09 24 full-time housewife.

10:00:09 25 And I've did -- I've done grand jury about 20

10:00:14 1 years ago.

10:00:14 2 THE COURT: All right, sir. Thank you very much.

10:00:16 3 No. 18 is next, Ms. Bowen.

10:00:20 4 JUROR BOWEN: My name is Amber Bowen. I live in

10:00:23 5 Hallsville, Texas. I have three children.

10:00:26 6 I work at Arrowhead Contractors Supply as a

10:00:30 7 billing specialist. I've worked there for almost two

10:00:34 8 years. I went to college at Indian River State College in

10:00:43 9 Port St. Lucie, Florida.

10:00:43 10 My spouse's name is Leonard Bowen. He's in

10:00:48 11 management at Lowe's. He's worked there for about 10

10:00:52 12 years.

10:00:52 13 And I have served on a criminal case almost a year

10:00:55 14 ago.

10:00:55 15 THE COURT: Where was that?

10:01:00 16 JUROR BOWEN: Here in Hallsville -- or, I'm sorry,

10:01:03 17 in Harrison County.

10:01:03 18 THE COURT: Okay. Thank you very much, ma'am.

10:01:04 19 Next is No. 19, Ms. Hodges.

10:01:07 20 JUROR HODGES: My name is Betty Hodges. I have

10:01:10 21 three kids and two stepchildren. I'm a homemaker. I drove

10:01:14 22 my children to out-of-district schools for a better

10:01:17 23 education. I've done that for 21 years, almost.

10:01:25 24 I got my GED, my CNA license, bartending license,

10:01:34 25 and a journal -- not a journal -- electrical -- a journey

10:01:40 1 electrician with my father.

10:01:41 2 My spouse's name is Alfred Phillips. He's also an
10:01:48 3 electrician, and he's done that for probably 30 years.

10:01:51 4 And I've never served on a jury. I've always had
10:01:53 5 to drive children back and forth to school.

10:01:56 6 THE COURT: All right. Thank you, Ms. Hodges.

10:01:58 7 Next is No. 20, Ms. Duncan.

10:02:01 8 JUROR DUNCAN: Good morning. My name is Shannon
10:02:04 9 Duncan. And I'm from Bloomburg. I have two children.

10:02:08 10 I currently work at Christus St. Michael in
10:02:12 11 Texarkana in the trauma department. And I've been there
10:02:17 12 for 29 years. Graduated high school.

10:02:21 13 My husband, Douglas, is a mechanic, heavy
10:02:26 14 equipment and diesel. And he has been in business for
10:02:30 15 about 36 years.

10:02:31 16 And I've never been on a jury before.

10:02:33 17 THE COURT: Thank you very much.

10:02:34 18 Next is No. 21, Mr. Lindsey.

10:02:40 19 JUROR LINDSEY: My name is Daniel Lindsey. I live
10:02:47 20 in Gilmer, Texas. I have two children.

10:02:51 21 I work at Custom Auto Sales, buy and sell cars and
10:02:57 22 trucks. Worked there for 26 years. High school graduate.

10:03:00 23 Wife's name is Karen Lindsey. She is a
10:03:06 24 stay-at-home mother.

10:03:07 25 Never served on a jury.

10:03:09 1 THE COURT: Thank you, sir.

10:03:10 2 Next is No. 22, Ms. Jones.

10:03:12 3 JUROR JONES: My name is Glenda Jones. I live in
10:03:20 4 Hallsville, Texas. I have one grown stepson.

10:03:23 5 I work for Christus Good Shepherd Home Health in
10:03:29 6 Longview. I've worked there for five years. I have an
10:03:32 7 Associate's degree.

10:03:32 8 I'm divorced. But I still claim a stepchild.

10:03:36 9 And no prior jury service.

10:03:38 10 THE COURT: Thank you very much.

10:03:39 11 Next is No. 23, Ms. Walker.

10:03:43 12 JUROR WALKER: Hello. My name is Jacqueline
10:03:46 13 Walker. I'm from Marshall, Texas. I have no children.

10:03:49 14 I am employed with the Marshall Independent School
10:03:53 15 District. I am a teacher's assistant. I've been there two
10:03:56 16 years.

10:03:57 17 I'm -- I obtained my CNA license, my Bachelor's
10:04:01 18 degree in business administration, and I'm obtaining my
10:04:05 19 teacher's certification.

10:04:07 20 I'm not married.

10:04:11 21 And I've never served, but I've always gotten a
10:04:16 22 letter.

10:04:16 23 THE COURT: Okay. Thank you, Ms. Walker.

10:04:17 24 Next is No. 24, Ms. Fondren.

10:04:22 25 JUROR FONDREN: Hi. I'm Jennifer Fondren. I live

10:04:27 1 in Omaha. I have one stepson and two children of my own.

10:04:33 2 I work at Smauley's Small World in Daingerfield.

10:04:36 3 I'm a daycare teacher. I've worked there for two years. I

10:04:40 4 graduated high school.

10:04:41 5 My spouse's name is Joseph Fondren. He is a

10:04:45 6 firefighter at Red River Army Depot. He's been there for

10:04:50 7 15 years.

10:04:50 8 And I've never served.

10:04:51 9 THE COURT: Thank you, ma'am.

10:04:53 10 Next is No. 25, Ms. Greene.

10:04:57 11 JUROR GREENE: My name is Deanna Greene. I live

10:05:00 12 in Longview. I have two daughters.

10:05:01 13 I work for Region VII Education Service Center.

10:05:01 14 I'm an educational specialist. I've been there for three

10:05:05 15 years. I have my Master's degree in curriculum and

10:05:10 16 instruction.

10:05:10 17 My husband is Kevin Greene, and he works for

10:05:16 18 American Electric Power as a serviceman out of Kilgore, and

10:05:17 19 he's been there for 20 years.

10:05:19 20 And I have never served on a jury.

10:05:21 21 THE COURT: Thank you.

10:05:22 22 No. 26 is next. Ms. Rangel.

10:05:27 23 JUROR RANGEL: My name is Tara Rangel. And I have

10:05:30 24 two boys, ages 11 and 7.

10:05:30 25 I work for Hallsville ISD, and I'm the

10:05:35 1 speech-language pathologist there. I have worked there for
10:05:38 2 15 years. I have a Master's degree in speech-language
10:05:42 3 pathology.

10:05:43 4 My husband's name is David Rangel, and he works at
10:05:48 5 Kilgore College. And he is the assistant department chair
10:05:51 6 for the math department, and he's also a math instructor
10:05:54 7 there. He has worked there for, I think going on four
10:05:57 8 years.

10:05:58 9 And I have no jury -- prior jury service.

10:06:00 10 THE COURT: Thank you, Ms. Rangel.

10:06:03 11 No. 27 is next. Mr. Gardner.

10:06:12 12 JUROR GARDNER: My name is Marlin Gardner. I've
10:06:16 13 lived in Hallsville since 2018. I have three -- three
10:06:20 14 boys.

10:06:21 15 I work for BP Energy. They acquired a company.
10:06:28 16 We've built out the natural gas systems. I've worked with
10:06:34 17 BP for two years, but the company prior to that, eight
10:06:40 18 years.

10:06:41 19 Education, I completed a third-year electrical
10:06:46 20 engineering. I've got a variety of Associate's degrees.

10:06:50 21 My spouse, her name is Jennifer Gardner. She's a
10:06:57 22 stay-at-home mom. She used to do the books for our
10:07:01 23 previous business that we sold. It's been -- she's been
10:07:07 24 doing that for about 15 years or so.

10:07:15 25 And I've not been selected to serve in any jury

10:07:18 1 cases.

10:07:19 2 THE COURT: Thank you very much, sir.

10:07:20 3 All right. We'll go next to No. 28, Mr. Parker.

10:07:25 4 JUROR PARKER: Hi. My name is Shad Parker. I've

10:07:30 5 lived in Atlanta for 47 years. I have two children.

10:07:37 6 They're both grown.

10:07:38 7 I work at GPI paper mill, Domino, as a mechanic.

10:07:45 8 I've worked there about 12 years. Graduated Quincy High

10:07:49 9 School.

10:07:50 10 My wife's name is Angela Parker. She works at

10:07:54 11 Quincy High School admin -- administration building. And

10:07:58 12 she's worked there probably 10 years. And I never have

10:08:00 13 served.

10:08:01 14 THE COURT: Thank you very much, Mr. Parker.

10:08:02 15 Next is No. 29, Mr. Jenkins.

10:08:08 16 JUROR JENKINS: Yes. My name is Randall Shane

10:08:12 17 Jenkins. I have two children.

10:08:14 18 I'm a central office technician for Frontier

10:08:18 19 Communications in Kilgore, Texas. I've worked there 20

10:08:22 20 years.

10:08:22 21 I graduated from the former college of Lon Morris

10:08:29 22 in Jacksonville, Texas. My Associate's in arts.

10:08:33 23 My wife's name is Jill Jenkins. She works for

10:08:38 24 Hallsville ISD. She's a school teacher. She's worked

10:08:43 25 there for 13 years.

10:08:44 1 And I've only served on a traffic case, city,
10:08:47 2 Longview.

10:08:47 3 THE COURT: How long ago?

10:08:49 4 JUROR JENKINS: Three years ago.

10:08:50 5 THE COURT: Okay. Thank you very much, sir.

10:08:51 6 All right. Next is No. 31, Ms. Porter.

10:08:57 7 JUROR LAVESA PORTER: My name is Lavesa Porter. I
10:08:59 8 live in Longview, Texas. I have one son.

10:09:02 9 I work at PeopleReady, which is a company, they
10:09:06 10 have contracts with different companies to help find
10:09:12 11 candidates for work. I've been there for four years. I
10:09:12 12 went to Panola College.

10:09:14 13 My spouse's name is Derek Head. He works for
10:09:19 14 Southwest Steel, and he's been there for eight years.

10:09:21 15 And I have never served.

10:09:22 16 THE COURT: Thank you very much, ma'am.

10:09:23 17 Next is No. 32, Ms. Lewis.

10:09:26 18 JUROR LEWIS: Hi. My name is Glenda Lewis. I
10:09:29 19 live in Omaha, Texas. Born and raised there. I have two
10:09:36 20 grown boys.

10:09:37 21 I currently work for Texarkana Aluminum. I've
10:09:39 22 been there since May. Prior to it being Texarkana
10:09:44 23 Aluminum, it was Arconic. And I've worked there for two --
10:09:46 24 it would be a total of two years if you combine the two
10:09:50 25 companies. I am a health and safety coordinator. I've

10:09:56 1 done that most of my working life.

10:10:01 2 I graduated from Paul Pewitt High School. I have
10:10:06 3 a BAAS from Texarkana A&M. I have a Master of Business
10:10:07 4 degree from Texarkana A&M.

10:10:09 5 I have a significant other. I do not have a
10:10:11 6 spouse. His name is Phillip Smith. He is retired from
10:10:17 7 Luminant, and he was an operator there. Prior to that, he
10:10:21 8 had 30 years as a supervisor at Lone Star Steel.

10:10:26 9 And I was selected for a criminal jury probably 20
10:10:30 10 years ago. I did not get to serve because the person pled
10:10:33 11 out. And then I served on the grand jury in -- I believe
10:10:36 12 it was 2009, and that was in Morris County.

10:10:39 13 THE COURT: But you never served on a civil jury
10:10:41 14 in a case like this?

10:10:43 15 JUROR LEWIS: No.

10:10:44 16 THE COURT: Thank you very much, ma'am.

10:10:45 17 All right. Next is No. 33 on our panel,
10:10:48 18 Mr. Wiley.

10:10:49 19 JUROR WILEY: My name is Leonard Wiley. I live
10:10:52 20 here in Marshall. I have three children and six
10:10:55 21 grandchildren.

10:10:55 22 I'm a retired school teacher, but I still teach
10:10:59 23 half a day at Elysian Fields. I retired from there, so I
10:11:06 24 had about 25 years in there.

10:11:07 25 And then I worked for 13 years for -- as a

10:11:11 1 wireline engineer for Schlumberger Well Services. I have a
10:11:17 2 physics degree from Michigan State University.

10:11:20 3 My spouse is Betty Wiley. She's retired, also, as
10:11:24 4 an administrative assistant, and she worked there 20 years
10:11:29 5 at the school.

10:11:30 6 And I have no prior jury service.

10:11:33 7 THE COURT: Which school did your wife work at?

10:11:35 8 JUROR WILEY: Elysian Fields.

10:11:37 9 THE COURT: Thank you, sir.

10:11:38 10 No. 34 is next, Ms. Blackwell.

10:11:42 11 JUROR BLACKWELL: I'm Renae Blackwell. I live in
10:11:45 12 Leesburg, Texas. Go Leesburg. Three children, six
10:11:50 13 grandchildren.

10:11:51 14 I have been at City Cleaners in Mt. Pleasant as
10:11:57 15 alterations manager for 19 years.

10:12:00 16 I was -- graduated from high school in Chisago,
10:12:05 17 Minnesota.

10:12:06 18 My husband's name is Robert. He's been at
10:12:09 19 Priefert Manufacturing as the ranch foreman for 28 years.

10:12:16 20 And I have done civil, and I have done criminal,
10:12:20 21 and I have done grand jury in Camp County.

10:12:22 22 THE COURT: When did you serve on a civil jury
10:12:24 23 last, ma'am?

10:12:25 24 JUROR BLACKWELL: It's probably been close to 10
10:12:27 25 years.

10:12:27 1 THE COURT: And was that in Camp County in the
10:12:30 2 state system?

10:12:30 3 JUROR BLACKWELL: Yes, yes.

10:12:32 4 THE COURT: Okay. Thank you very much.

10:12:33 5 All right. Next is No. 35, Ms. Wexler.

10:12:37 6 JUROR WEXLER: Good morning.

10:12:38 7 THE COURT: Good morning.

10:12:39 8 JUROR WEXLER: My name is Kendra Wexler. I live
10:12:43 9 in Gilmer, Texas. I have three children and one stepson.

10:12:47 10 I work at Walmart in Gilmer. Been there almost 29
10:12:47 11 years. I have a high school diploma.

10:12:51 12 My spouse's name is Greg Wexler. He's retired.
10:12:54 13 He's a welding inspector.

10:13:00 14 And I served on a criminal case probably 15 years
10:13:05 15 or more, in Upshur County.

10:13:06 16 THE COURT: Next is No. 36, Mr. Ayres.

10:13:09 17 JUROR AYRES: My name is William Ayres. I live in
10:13:11 18 Elysian Fields, but my postal address says I live in
10:13:16 19 Marshall. I have five children through two marriages.

10:13:20 20 My place of employment is -- was Jefferson ISD for
10:13:25 21 19 years. I'm a retired teacher from there. I taught
10:13:29 22 science and instructional inter -- intervention.

10:13:34 23 I have a Master's degree in educational leadership
10:13:36 24 from Stephen F. Austin.

10:13:38 25 My wife's name is Kathy. She works for Blue Cross

10:13:41 1 Blue Shield of Texas. And she deals with the providers,
10:13:45 2 not the members. She's worked there for probably 24 years.

10:13:52 3 I've served both on a civil and a criminal, I
10:13:56 4 think. The civil was probably about two years ago.

10:13:58 5 THE COURT: And where was that, sir?

10:14:00 6 JUROR AYRES: It was in Marshall.

10:14:01 7 THE COURT: I'm sorry?

10:14:02 8 JUROR AYRES: It was in Marshall.

10:14:05 9 THE COURT: Okay. Not in this court?

10:14:05 10 JUROR AYRES: Sir?

10:14:07 11 THE COURT: Not in this court?

10:14:07 12 JUROR AYRES: No, sir.

10:14:07 13 THE COURT: Okay.

10:14:12 14 JUROR AYRES: Across the street.

10:14:13 15 THE COURT: Thank you.

10:14:13 16 All right. Next is No. 37, Mr. Weaver.

10:14:16 17 JUROR WEAVER: My name is Dekota Weaver. I live
10:14:20 18 in Linden, Texas. I have one son, and a daughter on the
10:14:20 19 way around Thanksgiving time.

10:14:22 20 I work for my father's construction company and
10:14:25 21 have been for many years. I've also been in the Texas
10:14:28 22 National Guard for nine years.

10:14:31 23 I graduated in Arp, Texas, out of high school. I
10:14:35 24 have two technical diplomas and a Bachelor's in criminal
10:14:35 25 justice.

10:14:35 1 My wife's name is Jerrika Weaver, and she's been a
10:14:43 2 patrol officer for Texarkana, Texas Police Department for
10:14:43 3 five years.

10:14:45 4 And I've never served on a jury.

10:14:46 5 THE COURT: Thank you, Mr. Weaver.

10:14:47 6 Next is No. 38, Mr. Hooten.

10:14:53 7 JUROR HOOTEN: My name is Kenneth Hooten. I have
10:14:56 8 two kids, eight and four.

10:14:58 9 I work at Linden-Kildare ISD as a CPA. Been there
10:15:04 10 for three years. I have a Master's degree in accounting.

10:15:06 11 My wife's name is Jennifer Hooten. She is a
10:15:09 12 special education aide at Linden-Kildare CISD. She's been
10:15:10 13 there for two years.

10:15:10 14 And never served on a jury.

10:15:12 15 THE COURT: All right. Thank you.

10:15:13 16 No. 39 is next. Ms. Bolton.

10:15:19 17 JUROR BOLTON: My name is Jessica Bolton. I live
10:15:22 18 in Gilmer. I have two kids. My place of employment is
10:15:26 19 INDEVCO Plastics. I actually just started Monday, but I'm
10:15:29 20 a QA and the lab tech.

10:15:31 21 Educational background, I have a degree in office
10:15:34 22 support assistant. I'm working on my nursing degree, as
10:15:38 23 well.

10:15:39 24 I'm not married.

10:15:40 25 And I've never served on a jury.

10:15:42 1 THE COURT: Thank you, ma'am.

10:15:43 2 Next is No. 40, Mr. Ragsdale.

10:15:47 3 JUROR RAGSDALE: Ronnie Ragsdale. I live in
10:15:51 4 Daingerfield. I work for Morris County. Worked there
10:15:55 5 about nearly 11 or 12 years. High school education.

10:16:01 6 And don't have -- not married.

10:16:04 7 And never served.

10:16:06 8 THE COURT: What do you do for Morris County, sir?

10:16:13 9 MR. RAGSDALE: Operator.

10:16:13 10 THE COURT: Road and bridge department?

10:16:16 11 JUROR RAGSDALE: Pardon me?

10:16:16 12 THE COURT: Road and bridge?

10:16:16 13 JUROR RAGSDALE: Yes, sir.

10:16:17 14 THE COURT: Okay. Thank you very much.

10:16:17 15 All right. Ladies and gentlemen, thank you very
10:16:23 16 much.

10:16:23 17 Now, I need to say a couple things to you before I
10:16:27 18 turn the questioning over to the lawyers.

10:16:29 19 The jurors that are actually selected to serve in
10:16:33 20 this case will serve in the role as the judges of the
10:16:38 21 facts, and the jurors selected to serve here will make the
10:16:40 22 sole determination about what the facts are in this case.

10:16:46 23 Now, my job, as the Judge, is to rule on questions
10:16:49 24 of law, evidence, procedure, maintain the decorum of the
10:16:53 25 courtroom, and to oversee the efficient flow of the

10:16:55 1 evidence during the course of the trial.

10:16:56 2 Also, I want to say a couple things to you about
10:17:00 3 our judicial system that I hope will put things in a proper
10:17:04 4 perspective for you.

10:17:05 5 In every civil jury trial like this one, besides
10:17:10 6 the parties themselves, there are always three
10:17:13 7 participants, the jury, the judge, and the lawyers.

10:17:17 8 With regard to the lawyers, I think it's important
10:17:19 9 for each of you to understand that our judicial system is
10:17:24 10 an adversary system, which simply means that during the
10:17:28 11 trial, each of the parties will seek to present their
10:17:31 12 respective cases to the jury through their counsel in the
10:17:34 13 very best light possible.

10:17:36 14 Now, it's no surprise to any of you that lawyers
10:17:40 15 are sometimes criticized in the public and in the media,
10:17:43 16 but the Court's observed that at least some of that
10:17:47 17 criticism is the result of a basic misunderstanding of our
10:17:52 18 adversary system in which the lawyers act as advocates for
10:17:56 19 the competing parties.

10:17:59 20 And as an advocate, a lawyer is ethically and
10:18:02 21 legally obligated to zealously assert his or her client's
10:18:06 22 positions under the rules of our adversary system. And by
10:18:11 23 presenting the best case possible on behalf of their
10:18:15 24 clients, the lawyers hopefully will enable the jury to
10:18:18 25 better weigh the relevant evidence, to determine the truth,

10:18:20 1 and to arrive at a just verdict based on that evidence.

10:18:23 2 This adversary system of justice has served our
10:18:28 3 country well, for over 200 years. And America's lawyers
10:18:32 4 have been, are now, and will be in the future an
10:18:34 5 indispensable part of that process.

10:18:36 6 So as we go forward with the trial, even though
10:18:40 7 it's possible I might occasionally frown or grumble at the
10:18:47 8 lawyers, I'm simply trying to make sure that their advocacy
10:18:51 9 doesn't get outside the boundaries of our adversary system
10:18:54 10 and our Rules of Procedure.

10:18:55 11 But keep in mind, ladies and gentlemen, those of
10:18:59 12 you that are selected to serve on the jury, that the
10:19:00 13 lawyers are just doing their jobs, and I think it's
10:19:02 14 important for you to be aware of that as we go forward.

10:19:05 15 Also, ladies and gentlemen, for those of you that
10:19:08 16 are selected to serve on this jury, during the course of
10:19:10 17 the trial, I am going to do my very best to make sure that
10:19:13 18 none of you have any idea about how I feel about the
10:19:18 19 evidence in this case, because it's the jury's job and not
10:19:22 20 mine to determine what the facts are from the evidence
10:19:26 21 that's presented.

10:19:27 22 And those of you selected on the jury should not
10:19:29 23 take any expression that you see or you think you see or
10:19:33 24 anything that you think you see as coming from me, as a
10:19:36 25 factor to consider in determining what the ultimate facts

10:19:39 1 are in this case.

10:19:40 2 All right. At this time, counsel will address the
10:19:47 3 jury.

10:19:47 4 Ms. Truelove, you may address the jury on behalf
10:19:50 5 of -- the panel on behalf of Plaintiff. Would you like a
10:19:54 6 warning on your time?

10:19:55 7 MS. TRUELOVE: I would, Your Honor. If you would
10:19:57 8 tell me five minutes left and a minute left.

10:20:00 9 THE COURT: I will do that.

10:20:01 10 MS. TRUELOVE: Thank you.

10:20:08 11 THE COURT: Please proceed when you're ready.

10:20:10 12 MS. TRUELOVE: Thank you, Your Honor.

10:20:10 13 May it please the Court.

10:20:13 14 Mr. Dacus, Mr. Hilmes, Mr. Hadden.

10:20:20 15 Good morning, ladies and gentlemen. I want to
10:20:21 16 begin first by just saying thank you. Thank you for
10:20:23 17 showing up today.

10:20:26 18 In ordinary times, it's -- it's still remarkable
10:20:28 19 to have folks show up for jury service for such an
10:20:32 20 important thing. And in these times, it's even more
10:20:35 21 remarkable to have you here. And on behalf of myself,
10:20:39 22 Mr. Baxter, Mr. Fabricant, our client Vocalife, and
10:20:44 23 Vocalife's owner Dr. Li, we thank you for your time this
10:20:48 24 morning.

10:20:48 25 I'll begin, just as His Honor began, and tell you

10:20:52 1 about myself.

10:20:53 2 As you heard, my name is Jennifer Truelove. I
10:20:55 3 live here in Marshall, Texas. I have ever since I
10:20:59 4 graduated law school back in 1999. I met my husband Kurt
10:21:04 5 there, and he is a Marshall boy, so he brought me back
10:21:04 6 here. And we've both been practicing law since that time.

10:21:08 7 I've been at McKool Smith for the last 10 years,
10:21:10 8 where I've had the honor of working with Sam Baxter here in
10:21:15 9 Marshall and trying these interesting and exciting patent
10:21:18 10 cases that you're going to get to hear about.

10:21:20 11 Kurt and I have three children. Our oldest
10:21:20 12 daughter, Cate, is a freshman at UT where we are paying for
10:21:25 13 her to sit in her dorm room and take classes, virtually.
10:21:28 14 Our daughter, Maggie, is a junior at Marshall High School.
10:21:31 15 And our son, Walt, is in 8th grade at the junior high here
10:21:37 16 in Marshall.

10:21:37 17 I have actually sat on a criminal jury before up
10:21:40 18 in Jefferson when we lived up there in Marion County. And
10:21:44 19 so that's -- that's me.

10:21:46 20 Before we get to asking questions, I thought I
10:21:49 21 would take just a minute to give you a little bit of an
10:21:52 22 overview of what this case is about, to kind of put it in
10:21:55 23 context for you.

10:21:56 24 Vocalife is a company. They make products.
10:22:02 25 They're in Plano, Texas. And Dr. Li is the owner. And you

10:22:05 1 all know now, we have this technology where you can stand
10:22:11 2 in the middle of your house and speak, and you can turn
10:22:15 3 your thermostat up, you can turn your lights out, you can
10:22:21 4 turn your radio on, all by the sound of your voice, talking
10:22:23 5 to a computer. In this case, we're going to be talking
10:22:27 6 about Amazon's Echo.

10:22:28 7 But that wasn't the case back in the 2000s. Back
10:22:34 8 in the 2007 time frame, what you're going -- what you're
10:22:37 9 going to understand is we couldn't do that. We didn't have
10:22:41 10 the technology to do that, and Dr. Li was very involved in
10:22:44 11 that kind of microphone technology. Right?

10:22:47 12 And at that point in time, you could talk directly
10:22:49 13 into a microphone, and it could identify your voice, but
10:22:52 14 you couldn't -- you couldn't be in the middle of a room and
10:22:55 15 do the things that you can do now.

10:22:56 16 And so he recognized that problem. He recognized
10:22:59 17 that that's where the future was going and technology was
10:23:01 18 going, and he set out to find a solution. And he very
10:23:05 19 wisely hired a Dr. Manli Zhu, and she and he set about
10:23:12 20 coming up with a solution to the problem.

10:23:14 21 And, ultimately, what they -- what they did is
10:23:16 22 they took some things that were out there, technology-wise,
10:23:19 23 they took something called adaptive beamforming, another
10:23:23 24 thing called sound source localization, and another thing
10:23:29 25 called noise cancellization.

10:23:31 1 And they spent years, trial and error, coming up
10:23:35 2 with an algorithm, right, something -- a very detailed plan
10:23:38 3 on putting these things together, and they figured out a
10:23:41 4 way to make it work, to solve the problem, where you can
10:23:44 5 stand in a room and do those kinds of things by talking to
10:23:48 6 a device.

10:23:48 7 They put that in a chip. This was a very novel
10:23:48 8 and new way to do things.

10:23:51 9 And they actually got an award for it in 2011, and
10:23:56 10 Amazon invited them to come to their lab and talk to them
10:23:59 11 about this technology.

10:24:01 12 And they did something, they signed an NDA, and
10:24:04 13 you heard -- we heard that word mentioned just a moment
10:24:07 14 ago. And they shared their technology. And lo and behold,
10:24:10 15 three years later the Echo comes out, and they're invited
10:24:14 16 again by Amazon to come to a launch party to see this new
10:24:17 17 device. So that's kind of why we're here.

10:24:19 18 Those of you that are selected are going to hear a
10:24:23 19 lot more about the patent in this case that Dr. Li and
10:24:27 20 Dr. Zhu are inventors on, and you're going to hear a lot
10:24:32 21 more about the technology and why it is that Vocalife
10:24:34 22 thinks Amazon infringes.

10:24:42 23 So I know that a couple of you, just from your
10:24:45 24 questionnaires, have an Echo product.

10:24:51 25 I think you do, Ms. Edwards, is that right,

10:24:55 1 Juror 5?

10:24:55 2 JUROR EDWARDS: Yes, ma'am.

10:24:57 3 MS. TRUELOVE: Sorry, I'm going to put you guys to
10:24:59 4 work.

10:24:59 5 THE COURT: And this is where I'm going to ask
10:24:59 6 everybody to wait until the microphone gets there. Do it
10:25:01 7 like we've been doing it.

10:25:01 8 JUROR EDWARDS: Yes.

10:25:02 9 MS. TRUELOVE: You have an Echo Dot; is that
10:25:04 10 right?

10:25:04 11 JUROR EDWARDS: Yes.

10:25:04 12 MS. TRUELOVE: How long have you had that?

10:25:05 13 JUROR EDWARDS: Just a couple months.

10:25:07 14 MS. TRUELOVE: Okay. Are you enjoying it?

10:25:08 15 JUROR EDWARDS: Yeah, it wakes me up in the
10:25:10 16 morning.

10:25:10 17 MS. TRUELOVE: Okay. Have you noticed that --
10:25:13 18 does it have lights that go around it when you speak to it?

10:25:16 19 JUROR EDWARDS: Yes.

10:25:16 20 MS. TRUELOVE: Have you noticed that when you're
10:25:18 21 speaking to it, maybe one particular light will light up?

10:25:21 22 JUROR EDWARDS: Like there's a blue light that
10:25:23 23 comes on when you're talking to it.

10:25:25 24 MS. TRUELOVE: Okay. Anything about the fact that
10:25:27 25 you have this product and you like it, going to kind of put

10:25:30 1 me a little behind in the game?

10:25:33 2 JUROR EDWARDS: I wouldn't think so.

10:25:34 3 MS. TRUELOVE: Okay. You can still sit there and
10:25:36 4 listen to the evidence and be -- be fair to my client,
10:25:40 5 Vocalife, even though you have this Amazon product in your
10:25:42 6 home?

10:25:43 7 JUROR EDWARDS: Yes, ma'am.

10:25:44 8 MS. TRUELOVE: Okay. Thank you very much.

10:25:45 9 And I think -- is it Ms. Bowen, am I saying that
10:25:49 10 right, Juror No. 18?

10:25:54 11 JUROR BOWEN: It's Bowen.

10:25:55 12 MS. TRUELOVE: Bowen, thank you. Ms. Bowen, you
10:25:57 13 have an Echo, right?

10:25:58 14 JUROR BOWEN: Yes.

10:25:59 15 MS. TRUELOVE: How long --

10:26:00 16 THE COURT: Ms. Bowen, would you pull your mask
10:26:02 17 down so we can see you?

10:26:04 18 JUROR BOWEN: Oh, I'm sorry.

10:26:05 19 THE COURT: Thank you.

10:26:05 20 JUROR BOWEN: Yes. We've had our Echo a year.

10:26:09 21 MS. TRUELOVE: Okay. And do you like it?

10:26:10 22 JUROR BOWEN: Yes.

10:26:11 23 MS. TRUELOVE: Is it able to do things for you
10:26:12 24 like turn off the lights and turn on music?

10:26:16 25 JUROR BOWEN: It could. We don't utilize it for

10:26:19 1 that.

10:26:19 2 MS. TRUELOVE: Okay. What do you use it for?

10:26:21 3 JUROR BOWEN: The kids like to play the trivia
10:26:23 4 games and, you know, we get weather and alarms and stuff
10:26:26 5 from it.

10:26:27 6 MS. TRUELOVE: Have you noticed the lights like
10:26:29 7 Juror No. 5, Ms. Edwards, mentioned?

10:26:32 8 JUROR BOWEN: Yes.

10:26:33 9 MS. TRUELOVE: And does it light up when it
10:26:35 10 detects your voice?

10:26:37 11 JUROR BOWEN: Yes.

10:26:37 12 MS. TRUELOVE: Anything about the fact that you
10:26:39 13 have this product in your home going to be a problem for me
10:26:42 14 as Vocalife's attorney suing Amazon, going forward in this
10:26:46 15 case?

10:26:46 16 JUROR BOWEN: No.

10:26:47 17 MS. TRUELOVE: Okay. Thank you, Ms. Bowen.

10:26:48 18 And I think, is it Ms. Wexler, way back there,
10:26:52 19 Juror 35? You have an Alexa, right?

10:26:54 20 JUROR WEXLER: Yes, ma'am, I do.

10:26:58 21 MS. TRUELOVE: And -- and, you know, this is good
10:27:00 22 news for you, there's probably not a very strong likelihood
10:27:04 23 that we're going to get all the way back to you folks in
10:27:08 24 the back of the room. So I'll just ask, you know, if you
10:27:09 25 were selected, anything about owning that Amazon product

10:27:12 1 going to be a problem for me, going forward in this case?

10:27:15 2 JUROR WEXLER: No, ma'am.

10:27:15 3 MS. TRUELOVE: All right. Thank you very much.

10:27:16 4 Anybody else, just looking at the questionnaires,
10:27:19 5 those are the three people that I saw that had products.

10:27:22 6 Anybody else have an Echo product in your home? A
10:27:24 7 couple people do.

10:27:26 8 Juror No. 3, Mr. Wallace?

10:27:30 9 JUROR WALLACE: I didn't know it was an Amazon
10:27:34 10 product until you mentioned Alexa. It was a gift at
10:27:37 11 Christmas, and -- and it helps me listen to music I want to
10:27:41 12 listen to, so...

10:27:42 13 MS. TRUELOVE: Great.

10:27:43 14 JUROR WALLACE: No, it wouldn't affect my -- my --
10:27:46 15 put you behind the line or anything like that.

10:27:48 16 MS. TRUELOVE: Right. Well, let me -- while I've
10:27:49 17 got you standing there so we don't have to do the
10:27:50 18 microphone shuffle.

10:27:51 19 JUROR WALLACE: Okay.

10:27:52 20 MS. TRUELOVE: You're from Gilmer county, you're
10:27:54 21 an attorney, right?

10:27:55 22 JUROR WALLACE: Yes.

10:27:56 23 MS. TRUELOVE: And we have that in common, I used
10:27:57 24 to prosecute and do the CPS cases for Harrison County.

10:28:00 25 JUROR WALLACE: Very good.

10:28:01 1 MS. TRUELOVE: And do you know Judge Lauren Parish
10:28:04 2 up there in Upshur?

10:28:06 3 JUROR WALLACE: Very well, yes.

10:28:07 4 MS. TRUELOVE: And "very well," do you have a nice
10:28:08 5 relationship with her?

10:28:09 6 JUROR WALLACE: I do. It's -- social relationship
10:28:12 7 outside the courtroom, professional. She's one of my dear
10:28:16 8 friends.

10:28:16 9 MS. TRUELOVE: Okay. So I'm sure you're aware
10:28:18 10 that she married Mr. Baxter?

10:28:20 11 JUROR WALLACE: Yes, I am. I thought I recognized
10:28:22 12 Mr. Baxter when he came in.

10:28:23 13 MS. TRUELOVE: All right. And that's what I
10:28:24 14 really want to know, is that a problem? I understand that
10:28:24 15 you and Judge Parish get along well, the fact that she's
10:28:27 16 married to Mr. Baxter?

10:28:28 17 JUROR WALLACE: She'd be very disappointed in our
10:28:32 18 friendship if that was a problem. It's not going to be a
10:28:34 19 problem.

10:28:34 20 MS. TRUELOVE: Okay. I appreciate that. Thank
10:28:35 21 you very much. Oh, and one more question since you're
10:28:37 22 standing, I noticed that one of your co-workers is on our
10:28:40 23 panel, it's Ms. Stansbury, right?

10:28:43 24 JUROR WALLACE: That's correct, yes, we're very
10:28:45 25 proud of her.

10:28:46 1 MS. TRUELOVE: I imagine. So anything -- you
10:28:48 2 know, if by off chance you're both selected to sit on this
10:28:51 3 panel, anything about that situation give you pause?

10:28:54 4 JUROR WALLACE: No, ma'am, we work very well
10:28:56 5 together.

10:28:57 6 MS. TRUELOVE: Okay. Great. I appreciate it.
10:28:58 7 Thank you.

10:28:59 8 JUROR WALLACE: Thank you.

10:28:59 9 MS. TRUELOVE: And -- and could I ask
10:29:01 10 Ms. Stansbury, that's Juror 13?

10:29:06 11 Good morning. Just -- just the same question, if
10:29:11 12 you -- if you were selected to sit on the jury with your
10:29:15 13 co-worker here Mr. Wallace, would that be a problem for you
10:29:18 14 at all?

10:29:18 15 JUROR STANSBURY: No, ma'am.

10:29:19 16 MS. TRUELOVE: You'd still be able to make up your
10:29:22 17 own mind and -- and decide the case based on your own
10:29:25 18 thoughts and ideas, as opposed to your co-worker's?

10:29:29 19 JUROR STANSBURY: Yes, ma'am.

10:29:29 20 MS. TRUELOVE: Okay. I appreciate that. Thank
10:29:31 21 you very much.

10:29:31 22 So during the quarantine, back -- back to Amazon,
10:29:37 23 if you -- if your house is anything like my house, about
10:29:40 24 every other day you were getting an Amazon package show up
10:29:43 25 at the door. And -- and it was a good thing, right,

10:29:46 1 because of the circumstances we were in.

10:29:48 2 Just raise your hand if you've ever ordered
10:29:51 3 anything on Amazon? It's the majority of the people in the
10:29:55 4 room.

10:29:55 5 Anything about that going to be a problem? You
10:29:59 6 know, anybody sitting there thinking, it's a great company,
10:30:02 7 they provide a great service, there's just no way that they
10:30:07 8 could do the things that Vocalife is saying in regards to
10:30:13 9 infringing the patent? Is there anybody that just right
10:30:15 10 now feels that way? Okay. I appreciate that. Thank you.

10:30:18 11 Let's see, I think Juror No. 4, Mr. Miller.

10:30:31 12 JUROR MILLER: Yes, ma'am.

10:30:32 13 MS. TRUELOVE: Let me talk to you for just a
10:30:34 14 minute. You work at Eastman, right?

10:30:37 15 JUROR MILLER: Yes, ma'am.

10:30:39 16 MS. TRUELOVE: Do you -- do you know if your
10:30:41 17 company has any intellectual property?

10:30:42 18 JUROR MILLER: I'm sure we do.

10:30:43 19 MS. TRUELOVE: Yeah. I mean, Eastman deals with
10:30:46 20 lots of proprietary things, right?

10:30:48 21 JUROR MILLER: Yes, ma'am.

10:30:49 22 MS. TRUELOVE: Okay. What -- what would Eastman
10:30:51 23 do if they found out that somebody was using some of their
10:30:56 24 intellectual property or proprietary information without
10:30:59 25 their permission?

10:31:00 1 JUROR MILLER: I'm sure they would try to work out
10:31:02 2 a deal or go after them in court.

10:31:04 3 MS. TRUELOVE: If they couldn't work out a deal,
10:31:06 4 if they approached them or talked to them and couldn't work
10:31:09 5 out a deal, do you think it's all right to take someone to
10:31:14 6 court?

10:31:14 7 JUROR MILLER: Yes, ma'am. That would be the next
10:31:16 8 step, I believe.

10:31:17 9 MS. TRUELOVE: And there at Eastman, have you ever
10:31:18 10 been in a situation where you've had to sign an NDA, or a
10:31:22 11 non-disclosure agreement?

10:31:23 12 JUROR MILLER: Yes.

10:31:23 13 MS. TRUELOVE: And -- and what is that? Can you
10:31:25 14 just tell everyone what that is?

10:31:27 15 JUROR MILLER: It would be a -- you can't expose
10:31:32 16 company information to other companies --

10:31:35 17 MS. TRUELOVE: You got to keep it -- you got to
10:31:37 18 keep it private, right?

10:31:39 19 JUROR MILLER: Yes, ma'am.

10:31:40 20 MS. TRUELOVE: If you're -- if you're provided
10:31:42 21 some proprietary information or an idea of an invention or
10:31:46 22 something like that, you can't go tell somebody else?

10:31:49 23 JUROR MILLER: Correct.

10:31:50 24 MS. TRUELOVE: Okay. What -- what would you think
10:31:52 25 if you were in a meeting and both sides signed an NDA and

10:31:58 1 you're there to tell them about your invention or your
10:32:03 2 idea, you talk about it, and -- and you found out some time
10:32:07 3 later that they went and took your idea and put it in a
10:32:11 4 product? That be the right thing to do?

10:32:17 5 JUROR MILLER: No, I wouldn't believe -- I'd
10:32:20 6 probably feel undercut.

10:32:22 7 MS. TRUELOVE: And if -- if your only recourse,
10:32:24 8 then, was to take that person to court for using your
10:32:27 9 invention, would you be all right with that?

10:32:30 10 JUROR MILLER: Yes, ma'am.

10:32:30 11 MS. TRUELOVE: Okay. Thank you very much.

10:32:31 12 I think -- is it Juror 8 -- 16, rather,
10:32:39 13 Mr. Stephenson? If I could speak with you for just a
10:32:46 14 minute.

10:32:46 15 And -- and you actually mentioned the word "NDA,"
10:32:49 16 which is why I'm picking on you, when -- when Judge was
10:32:52 17 talking to you earlier.

10:32:53 18 What -- what do you think about that? If -- if
10:32:56 19 two parties entered into an NDA and they shared ideas with
10:33:00 20 each other and then one party went off and -- and took that
10:33:03 21 idea and put it in a product? You don't really have any
10:33:09 22 sharp feelings about that?

10:33:11 23 JUROR STEPHENSON: It's one of those -- it's one
10:33:12 24 of those things. I don't know the situation or anything
10:33:14 25 like that.

10:33:15 1 MS. TRUELOVE: Okay. You said you had been at
10:33:16 2 your job for about three weeks?

10:33:19 3 JUROR STEPHENSON: Uh-huh.

10:33:19 4 MS. TRUELOVE: Is there anything about serving on
10:33:22 5 this jury cause a problem with you since you're just newly
10:33:25 6 at that job?

10:33:26 7 JUROR STEPHENSON: Missing work.

10:33:28 8 MS. TRUELOVE: Right. Is -- is that going to
10:33:30 9 prevent you from being able to -- to focus on the issues
10:33:32 10 that are being discussed from the witnesses?

10:33:34 11 JUROR STEPHENSON: No, I don't -- I don't think
10:33:36 12 so.

10:33:37 13 THE COURT: Mr. Stephenson, would you hold that
10:33:40 14 mic a little closer? I can barely hear you.

10:33:44 15 JUROR STEPHENSON: I'm sorry.

10:33:45 16 THE COURT: Thank you.

10:33:46 17 MS. TRUELOVE: Okay. Thank you very much.

10:33:47 18 Some of you made comments in your questionnaires
10:33:51 19 regarding lawsuits. You were asked a question in there and
10:33:54 20 what your opinions were on lawsuits. And a couple of you
10:33:56 21 said things -- you think there's too many frivolous or
10:34:01 22 people file too many lawsuits.

10:34:03 23 Anybody feel that way sitting here today?

10:34:07 24 And -- and that's Juror No. --

10:34:07 25 JUROR EVERS: 9.

10:34:12 1 MS. TRUELOVE: -- 9, Mr. Evers, right? Let's chat
10:34:15 2 for a moment if you don't mind.

10:34:17 3 JUROR EVERS: Yes, ma'am.

10:34:18 4 MS. TRUELOVE: You -- you think there's too many
10:34:19 5 lawsuits?

10:34:20 6 JUROR EVERS: In some cases, yes, ma'am. Some
10:34:22 7 people are just going out for a quick payday.

10:34:24 8 MS. TRUELOVE: Okay. And --

10:34:25 9 JUROR EVERS: There are cases, though, where it is
10:34:28 10 necessary, though.

10:34:29 11 MS. TRUELOVE: And -- and so if -- if someone has
10:34:31 12 done what they can to try and resolve a situation and it
10:34:34 13 turns out that their only recourse is to come to court, you
10:34:39 14 don't have a problem with that, do you?

10:34:41 15 JUROR EVERS: No, ma'am, I do not.

10:34:42 16 MS. TRUELOVE: Okay. I think, Mr. Hirt, Juror
10:34:50 17 No. 7, you said, I think, they're a necessary evil to
10:34:59 18 correct a wrong.

10:35:01 19 JUROR HIRT: That's correct.

10:35:01 20 MS. TRUELOVE: All right. And what do you mean by
10:35:03 21 that?

10:35:04 22 JUROR HIRT: Well, when you can't resolve it
10:35:06 23 across the table and it gets to the point where neither
10:35:09 24 party can make amends, then you have to come to court and
10:35:13 25 try to plead your case to right the wrong that both sides

10:35:19 1 feel there is.

10:35:19 2 MS. TRUELOVE: And so you're okay with -- with
10:35:22 3 folks engaging in that process and using the jury system to
10:35:25 4 resolve a dispute?

10:35:27 5 JUROR HIRT: Correct.

10:35:27 6 MS. TRUELOVE: Okay. And I noticed that also in
10:35:30 7 your questionnaire, you had indicated that you had been
10:35:33 8 involved with the -- in a trial as a consultant?

10:35:35 9 JUROR HIRT: That was years ago. As a forestry
10:35:40 10 consultant at the time. And so there was a trespass on a
10:35:44 11 timber sale, and so I basically evaluated the timber that
10:35:49 12 was cut in the wrong and put a value to it for the Court.

10:35:54 13 MS. TRUELOVE: And did you have to testify?

10:35:56 14 JUROR HIRT: They settled at the last minute.

10:35:57 15 MS. TRUELOVE: Okay.

10:35:58 16 JUROR HIRT: Probably 15 minutes before I was
10:36:01 17 supposed to take the chair, all of a sudden they came out
10:36:03 18 and said, well, y'all can go home.

10:36:05 19 MS. TRUELOVE: Okay. Well, that worked out well
10:36:07 20 for you, then?

10:36:08 21 JUROR HIRT: Yes, it did.

10:36:09 22 MS. TRUELOVE: Okay. Great. Thank you. Thank
10:36:11 23 you, Mr. Hirt. I appreciate that.

10:36:13 24 Anybody -- anybody else have feelings about
10:36:18 25 lawsuits that -- that potentially would prejudice my

10:36:20 1 client, Dr. Li? You don't think folks should be able to
10:36:25 2 show up in court to resolve their disputes? Anybody feel
10:36:30 3 that way?

10:36:31 4 I want to talk a minute about the inventors in
10:36:33 5 this case, Dr. Li, and you -- you'll see him, if you get
10:36:36 6 selected to sit on this jury. He'll be at counsel table
10:36:39 7 throughout the course of the trial, and you'll hear from
10:36:41 8 him.

10:36:41 9 And you'll also hear from Dr. Zhu. She, as the
10:36:44 10 co-inventor on the '049 patent -- that's the patent we're
10:36:47 11 going to be talking about in this case, and so you'll hear
10:36:50 12 from her, as well.

10:36:51 13 Both Dr. Li and Dr. Zhu are from China. They both
10:36:57 14 were born there. They both went to school there. In fact,
10:37:02 15 Dr. Zhu got her Bachelor's and Master's in China. Dr. Li
10:37:06 16 got his Bachelor's, and then he came to the U.S. and got
10:37:10 17 his Master's in Boston and his Ph.D. also up north. And
10:37:16 18 Dr. Zhu came here, and she went to Ohio State University
10:37:21 19 where she got her Ph.D. in electrical engineering.

10:37:21 20 And I tell you all of this because being natives
10:37:25 21 of China, even though they are now both U.S. citizens, they
10:37:26 22 have very strong accents. It's like when I go to try cases
10:37:31 23 up in New York City, they don't always understand what I'm
10:37:34 24 saying.

10:37:35 25 And so my first question is really, is that going

10:37:38 1 to be a problem for anyone? You feel like you would have
10:37:43 2 problems really focusing in and paying attention to what
10:37:46 3 these two inventors are going to have to say. Does anybody
10:37:50 4 feel that way or has that concern? Good.

10:37:54 5 Oh, I see a hand. That's Juror No. 27. Is that
10:38:05 6 Mr. Gardner? Yes.

10:38:08 7 JUROR GARDNER: It's been five years, but I
10:38:10 8 have -- I wear hearing aids, and it's -- I struggle a
10:38:13 9 little bit more with hearing than most people.

10:38:15 10 MS. TRUELOVE: Okay. Thank you. And that --
10:38:17 11 that's very helpful information. I appreciate that.

10:38:19 12 The -- the next question I want to ask is -- just
10:38:24 13 kind of has to do with the political climate right now.
10:38:30 14 We're coming up on an election, and there's a lot of things
10:38:33 15 that have been politicized, particularly about China.

10:38:37 16 And so I just feel obligated to ask whether
10:38:40 17 anybody has strong feelings about just China in general
10:38:44 18 that could potentially bleed over onto our clients, our
10:38:48 19 inventors in this case? Anybody feel that way?

10:38:51 20 And if it's not something you want to talk about
10:38:55 21 in front of your 39 new best friends, that's fine. We can
10:38:58 22 always talk to the Court after. But I don't see any hands.
10:39:02 23 So I appreciate that, as well.

10:39:03 24 Mr. Jenkins, where are you? Towards the back, I
10:39:08 25 think. There you are.

10:39:09 1 I know you're in telecommunications.

10:39:16 2 JUROR JENKINS: That's correct.

10:39:17 3 MS. TRUELOVE: Are you -- are you familiar with
10:39:18 4 adaptive beamforming?

10:39:19 5 JUROR JENKINS: No.

10:39:20 6 MS. TRUELOVE: Know anything about sound source
10:39:24 7 localization?

10:39:25 8 JUROR JENKINS: Not really, no.

10:39:26 9 MS. TRUELOVE: Okay. What about noise -- noise
10:39:29 10 cancellation?

10:39:29 11 JUROR JENKINS: A little bit. We just know about
10:39:29 12 BP levels or something like that.

10:39:30 13 MS. TRUELOVE: Okay. So at a high level, you know
10:39:32 14 about that?

10:39:33 15 JUROR JENKINS: Little bit.

10:39:34 16 MS. TRUELOVE: Okay. Anything about your
10:39:35 17 profession and work that you think is going to bleed over
10:39:39 18 into this case?

10:39:39 19 JUROR JENKINS: No.

10:39:40 20 MS. TRUELOVE: Okay. I appreciate that. Thank
10:39:42 21 you very much, Mr. Jenkins.

10:39:45 22 Anybody else on the panel ever heard of adaptive
10:39:48 23 beamforming? Sound source localization? Or noise
10:39:53 24 cancellation? Anybody have any experience or background
10:39:56 25 with electrical engineering or someone -- someone that you

10:39:59 1 know well? No one?

10:40:00 2 Okay. I want to talk a few minutes about some of
10:40:05 3 the terms that you've already heard in the patent video and
10:40:09 4 some of the things that His Honor has talked about that --
10:40:14 5 that are going to be things that you have to decide if
10:40:16 6 you're -- if you're selected in this case.

10:40:17 7 And you can see up here infringement, validity,
10:40:20 8 prior art, and reasonable royalty.

10:40:22 9 As His Honor told you, Vocalife, the Plaintiff, is
10:40:29 10 going to have the burden to prove infringement.

10:40:31 11 If we can go to the next slide.

10:40:33 12 And there's something about that --

10:40:36 13 And, Mr. Wallace, this is going to resonate with
10:40:37 14 you, probably.

10:40:38 15 If we can go back one, Mr. Baxter, sorry. The
10:40:42 16 presumption of validity. There we go.

10:40:46 17 Patents issued by the United States Patent Office
10:40:48 18 are presumed to be valid.

10:40:49 19 Let's talk about that for just a second,
10:40:51 20 Mr. Wallace, if you don't mind. You had to guess you were
10:40:55 21 going to get picked on since you're the attorney in the
10:40:58 22 room.

10:40:58 23 JUROR WALLACE: Thank you.

10:40:59 24 MS. TRUELOVE: You try -- well, you do CPS cases,
10:41:03 25 but just being over there in the DA's office, you've heard

10:41:06 1 of the presumption of innocence, haven't you?

10:41:10 2 MR. WALLACE: Yes, absolutely.

10:41:11 3 MS. TRUELOVE: What does that mean?

10:41:12 4 JUROR WALLACE: It means in the beginning of the
10:41:14 5 case the Defendant is presumed to be innocent, and it's the
10:41:17 6 burden of the State of Texas to prove that person is guilty
10:41:21 7 beyond a reasonable doubt by putting on evidence that would
10:41:24 8 be persuasive to the jury.

10:41:24 9 MS. TRUELOVE: Right. So when any individual
10:41:24 10 charged with a crime walks in, everybody in that jury has
10:41:27 11 to presume their innocence.

10:41:30 12 JUROR WALLACE: That's correct.

10:41:30 13 MS. TRUELOVE: There's been no evidence or
10:41:32 14 anything to demonstrate otherwise, right?

10:41:34 15 JUROR WALLACE: Correct.

10:41:35 16 MS. TRUELOVE: And that's the same situation we
10:41:37 17 have here in regards to if there's a presumption that the
10:41:39 18 patent is valid, meaning before you hear any evidence, you
10:41:42 19 just have to go with that presumption. Is that something
10:41:46 20 you can do?

10:41:48 21 JUROR WALLACE: Yes, absolutely.

10:41:49 22 MS. TRUELOVE: Okay. Thank you.

10:41:50 23 And so as Mr. Wallace was saying, what we then
10:41:54 24 have to do as a Plaintiff is we have to bring you evidence
10:41:57 25 to show you that Amazon infringes. And the Judge talked to

10:42:00 1 you a little bit about this.

10:42:01 2 And what he told you -- and you can kind of look
10:42:04 3 at our picture on the screen -- is that starting out before
10:42:07 4 you hear any evidence at all, everyone is at an equal
10:42:11 5 standing, haven't heard witnesses testify or seen
10:42:13 6 documents, and we will put on a case that we say, here's
10:42:18 7 what happened.

10:42:19 8 You'll hear testimony from witnesses. You'll see
10:42:21 9 documents. And we just have to demonstrate by something
10:42:24 10 called the preponderance of the evidence, that you must be
10:42:27 11 persuaded that our claim of infringement is more probably
10:42:35 12 true than not true.

10:42:36 13 And what that looks like if you want a visual on
10:42:38 14 the scales is that, you know, as all the evidence piles up,
10:42:42 15 you have these little BBs on the scales, we just have to
10:42:48 16 tip the scales just ever so slightly. We've got that one
10:42:51 17 extra BB or that one piece of evidence that you feel weighs
10:42:55 18 it a little bit in our favor, and then you find
10:42:58 19 infringement.

10:42:58 20 Can everybody follow that particular standard and
10:43:01 21 only hold us accountable to a preponderance of evidence
10:43:07 22 standard and nothing higher? I see a lot of people shaking
10:43:11 23 their heads.

10:43:12 24 Is there anybody that things, man, if they want to
10:43:15 25 prove Amazon has infringed and used their patent and then

10:43:18 1 get money for it, they should have to prove it by a higher
10:43:21 2 standard than a preponderance of evidence? Does anybody
10:43:27 3 feel that way? I don't see any hands.

10:43:29 4 Well, the other standard that we talked about,
10:43:32 5 that you heard Judge talk about --

10:43:33 6 Okay. Oh, there is a hand back there.

10:43:33 7 Thank you. Thanks, Mr. Dacus.

10:43:38 8 JUROR WEAVER: Talking about the -- excuse me.
10:43:40 9 Talking about the -- in a way that sometimes things are
10:43:47 10 presented in a higher standard, I purchase things from --
10:43:53 11 from online quite a bit.

10:43:56 12 With the COVID 19 coming about, I purchased some
10:44:00 13 things, and they were through Amazon. And the instructions
10:44:05 14 and the description online didn't tell me where it came
10:44:07 15 from. When it came, it came from China.

10:44:11 16 Many, many times that I -- you don't know, they do
10:44:13 17 outsourcing to different sellers, but we don't know where
10:44:18 18 they come from. And I think companies like Amazon have
10:44:21 19 to -- need to reach a little higher standard to where they
10:44:24 20 tell us where do they buy things from.

10:44:27 21 MS. TRUELOVE: Okay. Thank you.

10:44:28 22 Amazon -- to turn to Amazon --

10:44:34 23 Thank you, Mr. Ayres.

10:44:35 24 -- standard in this case, and I expect they're
10:44:38 25 going to come in and try and overcome that presumption of

10:44:41 1 validity. They're going to come in and tell you that the
10:44:44 2 patent is not valid, that there's something out there
10:44:47 3 called prior art, that something was already out there in a
10:44:50 4 known field that disclosed this invention or taught this
10:44:55 5 invention or -- or just that the Patent Office got it
10:44:58 6 wrong.

10:44:58 7 But in order to do that, in order for you all if
10:45:02 8 you're selected to sit on this jury to take away that
10:45:06 9 presumption of validity --

10:45:07 10 THE COURT: You have five minutes remaining.

10:45:09 11 MS. TRUELOVE: Thank you, Your Honor.

10:45:11 12 -- you have to hold them to a higher standard of
10:45:13 13 proof. They have to come in and prove by what's known as
10:45:17 14 clear and convincing evidence.

10:45:17 15 And -- and what His Honor told you and what you
10:45:20 16 see on the screen is it means you must have an abiding
10:45:24 17 conviction that the truth of the parties' contentions are
10:45:28 18 highly probable.

10:45:29 19 And if you think about that -- if we could see the
10:45:31 20 next slide -- in the scale illustration, what you see is
10:45:36 21 they've got to come forward with a greater weight of
10:45:39 22 evidence, right? Highly probable. So those scales are
10:45:42 23 really going to have to tip.

10:45:43 24 So my question to you is, can everyone hold Amazon
10:45:48 25 to that standard? To come in here, if they want to try and

10:45:51 1 prove this patent invalid, they're going to have to do it
10:45:54 2 by a higher standard, that of clear and convincing. Is
10:45:58 3 everyone okay with that?

10:46:01 4 Is there anyone out there that thinks they should
10:46:03 5 have a lower standard or even the same standard, the lower
10:46:06 6 standard that we have to prove infringement? Anybody think
10:46:08 7 that?

10:46:08 8 Okay. The last thing I really want to talk to you
10:46:13 9 about today is damages. And in this case, that's why we're
10:46:19 10 here, right? Vocalife is saying you took our invention,
10:46:24 11 you put it in your product, you used it, and, therefore, we
10:46:28 12 should be compensated for your use of our invention. And
10:46:31 13 we're going to be asking for \$31 million when it's all said
10:46:34 14 and done.

10:46:35 15 And if I could talk to you, Mr. Hirt, I'm going to
10:46:38 16 pick on you. You see I've got trees on the screen. So I
10:46:47 17 want you to think about -- and you might have done this in
10:46:49 18 your career, but you own this property here, and you go out
10:46:53 19 there every once in a while with your family. You like to
10:46:56 20 picnic and have family reunions and that kind of thing.
10:46:59 21 It's been a few months, and you haven't been out there in a
10:47:00 22 while. And you get out there and you show up, and it looks
10:47:02 23 like this.

10:47:07 24 JUROR HIRT: Bad logging job.

10:47:09 25 MS. TRUELOVE: That's your first thought. I would

10:47:12 1 imagine your second thought would be, what happened to all
10:47:15 2 my trees?

10:47:16 3 JUROR HIRT: Correct.

10:47:17 4 MS. TRUELOVE: And let's say you found out that
10:47:19 5 somebody just got it wrong, you know, they thought that was
10:47:22 6 a piece of land they were supposed to clear. It turns out
10:47:25 7 they were wrong, and they were very sorry about it. They
10:47:28 8 didn't mean to do it. How about we pay you for one out of
10:47:31 9 every three trees? Is that all right with you?

10:47:34 10 JUROR HIRT: No.

10:47:35 11 MS. TRUELOVE: One out of every two?

10:47:37 12 JUROR HIRT: No.

10:47:38 13 MS. TRUELOVE: How many trees do you want to get
10:47:41 14 paid for?

10:47:41 15 JUROR HIRT: If I knew the law well enough, I'd
10:47:43 16 probably ask for treble damages.

10:47:44 17 MS. TRUELOVE: But you'd want to get paid for all
10:47:47 18 of the trees?

10:47:48 19 JUROR HIRT: Correct.

10:47:49 20 MS. TRUELOVE: And maybe get your land put back in
10:47:51 21 shape or whatever you can recover.

10:47:52 22 JUROR HIRT: Right.

10:47:53 23 MS. TRUELOVE: Okay. Anybody have a problem with
10:47:55 24 that under the law? Mr. Hirt wants to get paid for all his
10:47:58 25 trees. Anybody feel differently? You shouldn't get

10:48:01 1 compensated for what was taken from you?

10:48:06 2 Okay. Thank you, Mr. Hirt.

10:48:07 3 I have just a couple minutes left, and -- and I
10:48:10 4 think what us lawyers do is we -- we worry that maybe there
10:48:17 5 was a question we could have asked and didn't ask, and
10:48:22 6 you're sitting there thinking, gosh, if Ms. Truelove knew
10:48:26 7 this, she wouldn't want me on her jury, or this would just
10:48:31 8 be of interest to her?

10:48:32 9 Is there anybody out there that as you sit there
10:48:35 10 you're thinking to yourself, I've got a reason why I may
10:48:39 11 not be a good jury for this -- or a juror for this kind of
10:48:42 12 case, or I have this reason that's going to make it
10:48:44 13 difficult for me to serve?

10:48:46 14 Mr. Wallace?

10:48:55 15 JUROR WALLACE: Not really difficult to serve, but
10:48:58 16 I would like to know if I'd be given an opportunity to call
10:49:01 17 the home office and have someone stand in for me if I were
10:49:05 18 selected, because I've got a full day of court tomorrow,
10:49:09 19 and I'm going to have to get people working on that if
10:49:12 20 that's the case. That's the only concern I have.

10:49:14 21 MS. TRUELOVE: All right. I appreciate that, and
10:49:15 22 I'm sure that --

10:49:16 23 THE COURT: We'll accommodate that if it's
10:49:21 24 necessary.

10:49:22 25 MS. TRUELOVE: Thank you, Your Honor.

10:49:23 1 THE COURT: You have one minute, Ms. Truelove.

10:49:25 2 MS. TRUELOVE: Thank you, Your Honor.

10:49:25 3 Anyone else, as you sit here, have a concern, big
10:49:29 4 or small, that you want to raise at this time?

10:49:31 5 Well, with that, I want to thank you very
10:49:34 6 sincerely for your attention. I -- I want to thank in
10:49:37 7 advance the eight of you that are going to be selected to
10:49:40 8 serve on this jury.

10:49:41 9 We -- we pledge to you to put our case forward and
10:49:44 10 do it in a way that is not wasteful of your time because we
10:49:48 11 know your time is very important, as you're away from your
10:49:53 12 families and your life.

10:49:53 13 So thank you again, and we look forward to
10:49:55 14 presenting our case to the eight of you who are selected.

10:50:00 15 Thank you.

10:50:05 16 THE COURT: All right. Mr. Dacus, you may address
10:50:08 17 the panel on behalf of the Defendants.

10:50:10 18 MR. DACUS: Thank you, Your Honor.

10:50:10 19 THE COURT: Would you like a warning on your time?

10:50:13 20 MR. DACUS: If you'd let me know when I have five
10:50:15 21 minutes, please.

10:50:17 22 THE COURT: I will.

10:50:17 23 MR. DACUS: Thank you.

10:50:18 24 THE COURT: You may proceed when you're ready.

10:50:19 25 MR. DACUS: Thank you.

10:50:21 1 Good morning. I'll reintroduce myself. I'm Deron
10:50:29 2 Dacus. I want to start by saying this morning on behalf of
10:50:32 3 the men and women that work at Amazon a very sincere thanks
10:50:36 4 to you.

10:50:36 5 I want you to know it's not lost on anyone at this
10:50:39 6 table that you have very busy lives. You have other things
10:50:42 7 you need to be doing today. You need to be tending to your
10:50:45 8 jobs, tending to your kids, tending to your grandkids. And
10:50:50 9 I want you to know we would not be here if this case was
10:50:53 10 not very important to Amazon. It is very important.

10:50:56 11 I know from your questionnaires and from what some
10:50:59 12 of you have said that many of you know who Amazon is, what
10:51:03 13 it's about. Many of you know that they actually sell this
10:51:06 14 device right here, which is called an Echo Dot, that we
10:51:09 15 heard referenced a minute ago.

10:51:12 16 And you can actually -- for those of you who don't
10:51:17 17 have one -- you can actually talk to this thing, and it
10:51:19 18 will talk back to you. It will provide information. You
10:51:23 19 can order things over the Internet.

10:51:26 20 It operates through this term we heard earlier
10:51:29 21 called "Alexa," which is this intelligent voice system.
10:51:32 22 And Alexa basically is a brain out there in the Amazon
10:51:36 23 cloud that functions very much like a human brain in
10:51:41 24 determining what you say to it and then responding back to
10:51:43 25 you.

10:51:44 1 What you've heard the folks at the other table say
10:51:46 2 from Vocalife is that this device contains some
10:51:53 3 microphones -- several microphones, what they call a
10:52:01 4 microphone array, that they contend infringes or uses
10:52:03 5 Dr. Li and Vocalife's patents.

10:52:05 6 And if you sit on the jury in this case, what
10:52:08 7 you'll hear is testimony both from Amazon witnesses, people
10:52:12 8 who work on this device and the Alexa on a daily basis and
10:52:14 9 know it inside and out, you'll hear testimony from
10:52:17 10 third-party experts that, in fact, we do not nor have we
10:52:20 11 ever used Vocalife patents.

10:52:24 12 In addition to that, if you sit on this jury,
10:52:29 13 equally important to Amazon, you may remember from the
10:52:35 14 video this morning that the Court played for you, that a
10:52:37 15 jury is -- makes the ultimate determination as to whether
10:52:40 16 or not a patent is valid. The Patent Office doesn't make
10:52:44 17 that -- the Patent Office doesn't always have all the
10:52:46 18 information.

10:52:47 19 And I'll tell you that the evidence in this case
10:52:48 20 will show you that the patent that was actually issued to
10:52:54 21 Vocalife contained information that was already known in
10:52:58 22 the public.

10:52:58 23 You know from your video that an invention has to
10:53:02 24 be new. You can't take stuff from the public that's
10:53:04 25 already known in the public, write it down in a patent, and

10:53:08 1 have a valid patent issued. And that's what I think the
10:53:10 2 evidence will ultimately show you in this case.

10:53:13 3 And I tell you all that not to -- not to try to
10:53:20 4 persuade you, because you need to listen to the evidence,
10:53:23 5 obviously. But I tell you that so that as we go through
10:53:25 6 questions this morning, you know a little bit about what
10:53:28 7 this case is about. And if there's something about what I
10:53:30 8 said to you that concerns you, then I want us to talk about
10:53:33 9 it.

10:53:37 10 I do think it's important -- the Judge has done
10:53:40 11 it, you've been kind enough to do it, Ms. Truelove did
10:53:40 12 it -- for you to know a little bit about who I am. I wish
10:53:45 13 I could tell you that it is interesting enough that someone
10:53:45 14 was going to make a movie or a book about it, but it's not.

10:53:49 15 I grew up over in Gilmer, Texas. Graduated from
10:53:53 16 Gilmer High School. Was fortunate enough to get a baseball
10:53:57 17 scholarship and play baseball at Texas A&M. Graduated from
10:54:01 18 there.

10:54:02 19 Like the Judge, I went to Baylor Law School where
10:54:06 20 I also met my wife who was in law school, to whom I've been
10:54:10 21 happily married now for 26 years. Please make sure you
10:54:15 22 write "happily" in there, Ms. Holmes, as you take that
10:54:19 23 down.

10:54:19 24 We have two college-aged kids. Like Ms. Truelove,
10:54:19 25 mine are in their apartment doing it. And I'm paying for

10:54:25 1 an apartment as they attend virtually, like many of you
10:54:26 2 are, probably, trying to make our way in this strange world
10:54:29 3 we live in.

10:54:30 4 So that's -- that's a little bit about me.

10:54:33 5 But the purpose -- the main purpose this morning
10:54:36 6 is for me to learn more about you. And as the Judge said
10:54:39 7 to you, there's no wrong answer. If -- if I ask you
10:54:44 8 something, please just tell me what you're thinking.
10:54:47 9 That's the great thing about this country. We're all
10:54:50 10 entitled to our opinions. And we're all -- I certainly
10:54:53 11 want to hear yours this morning.

10:54:55 12 Now, let -- let me start off by determining
10:55:01 13 whether or not anyone on this panel knows folks sitting at
10:55:04 14 this table here.

10:55:05 15 So you've been introduced to Mr. Sam Baxter.
10:55:09 16 Mr. Baxter is a lawyer here in Marshall, has been for many
10:55:13 17 years.

10:55:13 18 I know, Mr. Wallace, that -- that you know
10:55:15 19 Mr. Baxter, and I want to talk to you about that.

10:55:18 20 But does anyone know or know of Sam Baxter, would
10:55:22 21 you raise your hand and let me know, please? Okay. I
10:55:25 22 don't -- I don't see any hands.

10:55:27 23 And sort of to complete this table, Ms. Truelove
10:55:30 24 just spoke to you. Does anyone know Jennifer Truelove?
10:55:34 25 Raise your hand and let me know.

10:55:35 1 And her -- as she said her husband, Kurt, also
10:55:42 2 practices here in Marshall. Anyone know Kurt, raise your
10:55:45 3 hand and let me know.

10:55:46 4 All right. Mr. Wallace, can I talk to you for one
10:55:49 5 second, please, sir?

10:55:51 6 JUROR WALLACE: Yes.

10:55:52 7 MR. DACUS: Now, Ms. Truelove asked you if it was
10:55:54 8 a problem for her that you knew Mr. Baxter's wife and him,
10:55:59 9 and you said no. You want to guess what my question is?

10:56:03 10 JUROR WALLACE: Yeah.

10:56:04 11 MR. DACUS: Is that a problem for me?

10:56:05 12 JUROR WALLACE: No, sir, it's not.

10:56:07 13 MR. DACUS: Are you sure?

10:56:08 14 JUROR WALLACE: I'm sure. I don't actually know
10:56:12 15 Mr. Baxter, but I've known Laurie for years, practiced in
10:56:17 16 front of her for years. I respect her greatly. And I'd
10:56:22 17 like to think she thinks the same about me.

10:56:25 18 And I would say that -- that part of that respect
10:56:27 19 is predicated on we do what we're counted on to do in our
10:56:33 20 roles when we enter into the courtroom. And if I were
10:56:37 21 asked to serve as a juror, then I would understand what
10:56:39 22 that role is.

10:56:40 23 I certainly understand what it means to be an
10:56:42 24 officer of the court.

10:56:44 25 So, you know, what you good folks have to say is

10:56:46 1 not evidence. What the people from the witness stand says
10:56:50 2 is evidence, and eight of us are going to tell you whether
10:56:52 3 that's a fact or not.

10:56:53 4 MR. DACUS: So those Scales of Justice are
10:56:55 5 completely even on Lady Justice right there? You're
10:56:58 6 telling me that if you sat on this jury, the scales for
10:57:01 7 Amazon and for me as their lawyer would be equal, we'd
10:57:05 8 start out equal just like the Scales of Justice; is that
10:57:08 9 what you're telling me?

10:57:09 10 JUROR WALLACE: Yes, sir, because those are the
10:57:11 11 rules we play by.

10:57:13 12 MR. DACUS: I appreciate it very much. Thank you,
10:57:14 13 sir.

10:57:14 14 And let me just cover this table. Fred Fabricant
10:57:20 15 sits at this table also. Mr. Fabricant has his own law
10:57:23 16 firm in New York. I assume no one knows Mr. Fabricant or
10:57:26 17 his law firm. But if you do, raise your hand and let me
10:57:28 18 know. Okay. I don't see any hands.

10:57:30 19 Thank you.

10:57:32 20 You know -- let -- let me ask a global question
10:57:36 21 about Amazon. Many of you know who Amazon is. A lot of
10:57:40 22 you raised your hands as to whether or not you've ever
10:57:42 23 ordered something from Amazon.

10:57:45 24 What I need to know, and this is what you might
10:57:47 25 expect, is there any reason that you would slightly

10:57:52 1 disfavor and the scales would not be completely even for
10:57:56 2 Amazon if you sat on this jury? Is anyone in that boat?
10:58:01 3 Is any -- and, look, Amazon is in the customer service
10:58:04 4 business. And when you're in that business and even though
10:58:06 5 your philosophy is to put the customer first, every now and
10:58:10 6 then you make somebody mad, right?

10:58:13 7 So that's what I need to know. If anyone for any
10:58:15 8 reason, any reason at all, says, look, Amazon is going to
10:58:18 9 start off just a little bit behind in my book, can you
10:58:22 10 raise your hand and let me know that? Okay. I see no
10:58:24 11 hands. Thank you.

10:58:25 12 Let me do this: Mr. Porter, can I talk with you
10:58:40 13 for a second, sir? And I'm going to tell you why. Did I
10:58:43 14 hear you say you had eight kids and seven boys?

10:58:46 15 JUROR BOBBY PORTER: That is correct.

10:58:47 16 MR. DACUS: All right. So let me ask you this:
10:58:49 17 Those seven boys ever get in any scuffles or little fights
10:58:54 18 when they were growing up?

10:58:55 19 JUROR BOBBY PORTER: They most certainly did.

10:58:57 20 MR. DACUS: And so when you caught them in those
10:58:59 21 scuffles or fights, I bet they ran to momma; is that true?

10:59:04 22 JUROR BOBBY PORTER: Didn't do them any good,
10:59:06 23 though.

10:59:06 24 MR. DACUS: We're going to get to that. And they
10:59:08 25 didn't walk to momma, they ran, didn't they?

10:59:11 1 JUROR BOBBY PORTER: That's right.

10:59:12 2 MR. DACUS: And let me tell you why I ask you
10:59:14 3 that. There's something innate in all of us that says it's
10:59:18 4 important to tell our story first. And that's why those
10:59:21 5 boys were running to momma because they wanted to tell her
10:59:24 6 their story first; isn't that true?

10:59:26 7 JUROR BOBBY PORTER: That's right.

10:59:27 8 MR. DACUS: Now, the reason I'm asking you this is
10:59:29 9 because these folks over here brought this lawsuit, so
10:59:32 10 they're going to get to talk first. No matter how fast I
10:59:34 11 run, I can't beat them. They get to talk first. Do you
10:59:38 12 understand that?

10:59:38 13 JUROR BOBBY PORTER: I gotcha.

10:59:40 14 MR. DACUS: Now, here's what I want to know about
10:59:41 15 your wife. Being the good momma that she was, and I know
10:59:45 16 she was, she didn't just take that story from that first
10:59:50 17 boy and accept it, did she? She made sure she got the full
10:59:53 18 story from both kids before she made a decision on who was
10:59:56 19 right or wrong; am I correct about that?

10:59:58 20 JUROR BOBBY PORTER: You're correct.

11:00:00 21 MR. DACUS: So that's -- that's my long-winded way
11:00:02 22 of saying to you, I'm not going to get to talk in this
11:00:05 23 lawsuit until next week, okay? I'm going to have to go
11:00:08 24 second.

11:00:08 25 So can you sit here in this courtroom and not make

11:00:11 1 a decision until you hear evidence from the both -- both
11:00:14 2 sides?

11:00:15 3 JUROR BOBBY PORTER: I have to.

11:00:16 4 MR. DACUS: Okay. So that means you will, right?

11:00:19 5 JUROR BOBBY PORTER: Yes, I will.

11:00:20 6 MR. DACUS: Yeah, and that's -- I mean, that's why
11:00:22 7 your wife did it, right? That's the fair thing to do, to
11:00:24 8 get both sides -- let me ask you this: Did you ever find
11:00:27 9 that one of those boys, the one that ran there first, might
11:00:30 10 not have given the full story?

11:00:32 11 JUROR BOBBY PORTER: Not only him, but the rest of
11:00:35 12 them, too.

11:00:36 13 MR. DACUS: And that's a good point. You've got
11:00:38 14 to listen to everything and then figure out where the truth
11:00:42 15 lies, right?

11:00:43 16 JUROR BOBBY PORTER: That's right.

11:00:45 17 MR. DACUS: And you can do that in this courtroom?

11:00:47 18 JUROR BOBBY PORTER: Yes, I can.

11:00:48 19 MR. DACUS: Okay. Thank you so much. Let me ask
11:00:49 20 you a question, Mr. Porter. Did you happen to know Ken
11:00:52 21 Reeves?

11:00:53 22 JUROR BOBBY PORTER: Yes.

11:00:53 23 MR. DACUS: Well, I went to A&M. Ken is about two
11:00:53 24 years older than I am, so I didn't know if you knew him or
11:00:53 25 not.

11:00:57 1 JUROR BOBBY PORTER: I was his hero.

11:00:58 2 MR. DACUS: He's a -- you were his hero?

11:01:00 3 JUROR BOBBY PORTER: I was his hero.

11:01:02 4 MR. DACUS: Let me tell you what, he's a fine
11:01:05 5 human being.

11:01:05 6 JUROR BOBBY PORTER: He is.

11:01:06 7 MR. DACUS: I'll say that. Thank you.

11:01:07 8 So here's what I need to know from everybody.

11:01:09 9 You've heard my long-winded story, and the purpose of which
11:01:13 10 is to say, it's very serious.

11:01:15 11 The Plaintiff is going to get to put their case on
11:01:17 12 first. You're going to hear their evidence today and
11:01:20 13 tomorrow, and probably part of Monday. And no one from
11:01:23 14 this table is going to get to take the witness stand until
11:01:26 15 probably Tuesday or so of next week.

11:01:28 16 And so that I can sleep well tonight and over the
11:01:31 17 weekend, is there anybody who says, look, I just cannot
11:01:35 18 wait that long to make a decision? I'm just going to
11:01:38 19 listen to the evidence from the Plaintiff, and I might make
11:01:40 20 a decision just based on what they say? Is there anybody
11:01:43 21 in that boat? In that camp?

11:01:46 22 Okay. Let me ask it a different way. So that I
11:01:48 23 sleep better, can you raise your hand if you'll agree to
11:01:51 24 wait and hear all of the evidence before you make a
11:01:53 25 decision? Will you raise your hand and let me know? Okay.

11:01:57 1 That looks like everybody. Thank you.

11:01:58 2 Now, I want to ask you a question, and before I do
11:02:05 3 it, I want to preface it by saying the Judge told you I'm
11:02:11 4 not going to pry into your private lives, and I'm not. So
11:02:14 5 when I ask this question, don't think that I'm going to ask
11:02:17 6 for details.

11:02:18 7 But has anyone here ever been falsely accused of
11:02:22 8 doing something? I'm not talking about in a court of law.
11:02:22 9 I'm just talking about in your everyday life, somebody
11:02:26 10 accused you of doing something that you know you didn't do?
11:02:29 11 Any -- anybody in that boat? Just in everyday life?

11:02:32 12 Let's see, Mr. Stephenson, can I talk to you about
11:02:35 13 it?

11:02:36 14 That's -- I'm sorry, that's 16 -- Juror 16.

11:02:42 15 And I'm not asking for details, Mr. Stephenson.
11:02:46 16 Let me tell you that up front. So here's what I want to
11:02:49 17 know from you, though: Did you feel like you had the right
11:02:51 18 to defend yourself?

11:02:54 19 JUROR STEPHENSON: Oh, yeah.

11:02:55 20 MR. DACUS: Okay. And when you were falsely
11:02:56 21 accused, how did it make you feel?

11:03:00 22 JUROR STEPHENSON: It's not good. Doesn't make
11:03:02 23 you feel good at all.

11:03:03 24 MR. DACUS: Make you mad?

11:03:04 25 JUROR STEPHENSON: Oh, yeah.

11:03:04 1 THE COURT: Mr. Stephenson, I'm going to ask you
11:03:07 2 again to hold that microphone up.

11:03:08 3 MR. DACUS: So you understand that Amazon is in
11:03:11 4 this courtroom because they've been accused of doing
11:03:13 5 something that Plaintiff says is wrong, right?

11:03:17 6 JUROR STEPHENSON: Right.

11:03:18 7 MR. DACUS: Do you agree, as the Judge said this
11:03:21 8 morning, under the Seventh Amendment of the Constitution,
11:03:24 9 we have the right to come here and defend ourselves?

11:03:26 10 JUROR STEPHENSON: Yes.

11:03:28 11 MR. DACUS: Even though we're Amazon, even though
11:03:30 12 we're this company, and they're a smaller company in Plano,
11:03:34 13 Vocalife, you think we have the right to present evidence
11:03:36 14 to a jury and defend ourselves?

11:03:38 15 JUROR STEPHENSON: Right.

11:03:40 16 MR. DACUS: Thank you, sir.

11:03:41 17 So -- so can you -- does anyone disagree with
11:03:44 18 Mr. Stephenson, that we do -- that Amazon does not have a
11:03:47 19 right to defend itself? Anybody in that boat? Okay.

11:03:52 20 Mr. Sheppard, let me ask you a question -- I'll
11:04:08 21 tell you why once I get you the microphone.

11:04:10 22 That's No. 2. I'm sorry, Mr. Fitzpatrick.

11:04:15 23 When Ms. Truelove asked a question -- I don't
11:04:17 24 remember the exact question -- but it was something along
11:04:20 25 the lines of, do you blame them for bringing a case against

11:04:25 1 Amazon or something like that, and I thought I saw you
11:04:27 2 shake your head.

11:04:28 3 And I want to make sure, do you have anything that
11:04:29 4 I should be worried about as it relates to Amazon?

11:04:31 5 JUROR SHEPPARD: No, sir, I don't.

11:04:33 6 MR. DACUS: Okay, perfect. I just didn't know.
11:04:34 7 Maybe you weren't shaking your head. I just wanted to make
11:04:34 8 sure.

11:04:36 9 And, by the way, do you know Mr. Porter? I know
11:04:39 10 y'all are both from Pittsburgh.

11:04:41 11 JUROR SHEPPARD: I probably know his kids.

11:04:43 12 MR. DACUS: That's -- he's got a few of them. All
11:04:47 13 right. Thank you, sir.

11:04:48 14 And, by the way, let me ask this -- it reminds me
11:04:52 15 to ask, because I'm not sure anybody is left in Leesburg,
11:04:56 16 but does anybody on this panel know someone else? I mean,
11:05:00 17 can you look around and see if you know anybody on the
11:05:02 18 panel? And, if you do, would you raise your hand and let
11:05:05 19 me know?

11:05:05 20 Okay. Juror No. 9, that's Mr. Evers, No. 9. Who
11:05:13 21 do you know on the panel, Mr. Evers?

11:05:15 22 JUROR EVERS: I know Mr. William Ayres. He and I
11:05:18 23 worked together at Jefferson.

11:05:20 24 MR. DACUS: Mr. Ayres, what number is Mr. Ayres?
11:05:22 25 Oh, perfect. All right. And where did y'all work?

11:05:25 1 JUROR EVERS: In Jefferson ISD.

11:05:28 2 MR. DACUS: And since I have you up, Mr. Evers,
11:05:31 3 you said you were principal somewhere.

11:05:33 4 JUROR EVERS: I was principal at Harleton Junior
11:05:33 5 High, and then Jefferson at the high school and at the
11:05:37 6 primary school.

11:05:37 7 MR. DACUS: Okay. And -- but you've retired from
11:05:39 8 that.

11:05:39 9 JUROR EVERS: Yes, sir.

11:05:39 10 MR. DACUS: And now you're a pastor?

11:05:41 11 JUROR EVERS: Yes, sir. I still drive a bus,
11:05:44 12 though.

11:05:44 13 MR. DACUS: I got you. That's tough work these
11:05:47 14 days.

11:05:47 15 JUROR EVERS: I love it. I love kids.

11:05:49 16 MR. DACUS: I hear you. I imagine, like
11:05:51 17 Mr. Porter, you've settled a dispute or two between kids?

11:05:55 18 JUROR EVERS: A couple, a couple, yes, sir.

11:05:57 19 MR. DACUS: And you agree with him that you don't
11:05:59 20 always get the full story on the first go-round?

11:06:02 21 JUROR EVERS: Don't always get the full story.
11:06:05 22 Have to ask several questions.

11:06:06 23 MR. DACUS: All right. Thank you, sir.

11:06:07 24 Who else said they know somebody? That's
11:06:11 25 Ms. Rangel. Am I pronouncing that correctly?

11:06:14 1 JUROR RANGEL: Rangel.

11:06:14 2 MR. DACUS: Rangel.

11:06:14 3 JUROR RANGEL: I -- actually -- he probably
11:06:16 4 doesn't realize this, but I actually know Shane Jenkins. I
11:06:16 5 work really closely with his wife at Hallsville ISD.

11:06:20 6 MR. DACUS: Okay. Perfect. Thank you very much
11:06:22 7 for letting me know that.

11:06:23 8 Anyone else know someone on the panel?

11:06:31 9 That's Ms. Blackwell. Who do you know

11:06:33 10 Ms. Blackwell?

11:06:34 11 JUROR BLACKWELL: I know Ms. Huskey, she's a
11:06:36 12 customer of mine, and also Ms. Banks, she's -- was the
11:06:42 13 postmaster, worked at the post office.

11:06:45 14 MR. DACUS: You said she was a customer. What do
11:06:47 15 you do?

11:06:48 16 JUROR BLACKWELL: I'm a manager, alterations.

11:06:50 17 MR. DACUS: Okay. Your husband works at Priefert
11:06:53 18 you said, right?

11:06:53 19 JUROR BLACKWELL: Correct.

11:06:54 20 MR. DACUS: What does he do there?

11:06:56 21 JUROR BLACKWELL: He's a ranch foreman.

11:06:58 22 MR. DACUS: Okay. Thank you very much.

11:06:59 23 Did I -- Ms. Banks, No. 1. Ms. Banks, who do you
11:07:13 24 know?

11:07:13 25 JUROR BANKS: Ms. Huskey and Ms. Blackwell.

11:07:16 1 MR. DACUS: Okay.

11:07:16 2 JUROR BANKS: Simply because I was the postmaster,
11:07:20 3 they were customers.

11:07:21 4 MR. DACUS: They were on your Leesburg route.

11:07:27 5 JUROR BANKS: There you go.

11:07:28 6 MR. DACUS: Okay. Anyone else know someone on the
11:07:31 7 panel? All right. Great.

11:07:34 8 Let me say a word of thanks to each of you for
11:07:37 9 filling out a questionnaire, and the reason it's important
11:07:39 10 to do that, I'll just tell you, is it shortens this
11:07:43 11 process.

11:07:44 12 This process is probably, in your minds, still a
11:07:47 13 little bit too long. But by filling out those
11:07:49 14 questionnaires in advance, it does shorten this process,
11:07:52 15 and it makes our job easier. So I want to thank you for
11:07:55 16 that.

11:07:56 17 And I wish I was smart enough to memorize all
11:07:58 18 those things, but I did see that some of you checked or
11:08:02 19 wrote that either you or someone that was close to you had
11:08:05 20 a patent. And that's what I want to know.

11:08:07 21 Who -- who -- can you raise your hand and let me
11:08:10 22 know?

11:08:10 23 So, let's see, No. 7, that's Mr. Hirt. Let me
11:08:16 24 talk to you first, and I'm going to cover everybody.

11:08:18 25 Who -- who do you know that has a patent,

11:08:21 1 Mr. Hirt?

11:08:22 2 JUROR HIRT: My best friend when I grew up and
11:08:25 3 knew each other since we were four years old. And after he
11:08:28 4 got out of college, he worked for an oil services company
11:08:33 5 in their chemical lab, and he developed -- they'd been
11:08:39 6 working on chemicals -- and chemicals to stop corrosion of
11:08:42 7 the pipes, pipelines.

11:08:46 8 And he came in with new eyes and new ideas and
11:08:50 9 things, and he developed six different chemicals that they
11:08:52 10 ended up putting patents on.

11:08:54 11 MR. DACUS: Okay.

11:08:55 12 JUROR HIRT: And so I told him, I said, what
11:08:56 13 they're going to do is they're going to come to you and
11:09:00 14 give you a dollar, and you're going to hand them that
11:09:04 15 patent. And that's exactly what they did.

11:09:06 16 MR. DACUS: So let me ask you this: These folks
11:09:07 17 over here claim they have a patent. And, obviously,
11:09:09 18 they're suing Amazon. Is there anything about that
11:09:12 19 experience that would cause you to disfavor my side or to
11:09:14 20 disfavor Amazon in any way?

11:09:17 21 JUROR HIRT: No, this is just a normal dispute.

11:09:20 22 MR. DACUS: Okay. And let me -- since I have you
11:09:23 23 up, I know Ms. Truelove asked you -- showed you that
11:09:25 24 picture of trees cut down, and you said something about,
11:09:28 25 I'd make them pay a lot of money, treble damages.

11:09:32 1 If I had a heart rate monitor on, my heart rate
11:09:37 2 probably went up pretty good there. So what I need to know
11:09:39 3 from you, sir, is --

11:09:39 4 JUROR HIRT: You also have to prove that there was
11:09:42 5 egregious --

11:09:44 6 MR. DACUS: Thank you.

11:09:45 7 JUROR HIRT: The burden of proof then comes on my
11:09:47 8 side, too, if we have to prove that the logger that did it
11:09:50 9 did it egregiously.

11:09:53 10 MR. DACUS: And that's really what I want to know
11:09:54 11 from you, in all seriousness -- I mean, this is -- this is
11:09:57 12 a serious issue, and patent lawsuits are kind of like
11:10:03 13 trespass.

11:10:03 14 JUROR HIRT: Right.

11:10:04 15 MR. DACUS: I mean, if you're going to say you
11:10:05 16 trespassed, you need to show that you came within
11:10:08 17 somebody's fence line, right, in their borders?

11:10:11 18 JUROR HIRT: Correct.

11:10:11 19 MR. DACUS: So could you do that in this case? I
11:10:15 20 mean, would you force these folks to actually prove their
11:10:19 21 case?

11:10:19 22 JUROR HIRT: I think both sides have got to prove
11:10:21 23 their case.

11:10:22 24 MR. DACUS: Understood. That's all I need you to
11:10:24 25 say. And so you don't -- because she showed you --

11:10:25 1 JUROR HIRT: Neither one of you -- you're both at
11:10:27 2 the table right now, so we don't know which side is which.

11:10:30 3 MR. DACUS: Perfect. That's all I need you to
11:10:32 4 say. I appreciate that very much.

11:10:36 5 Now, somebody else had their hand up.

11:10:38 6 No. 33 is Mr. Wiley.

11:10:40 7 JUROR WILEY: Yes, my father was a lamp physicist
11:10:44 8 at General Electric. He has over 300 patents with his name
11:10:48 9 on it. He invented the quartz-halogen lamp.

11:10:53 10 And also I have an uncle who was an entrepreneur,
11:10:59 11 and he patented a rotary engine and a talking device for
11:11:02 12 people with a larynx out.

11:11:06 13 MR. DACUS: Is it -- and did you say 300 patents
11:11:09 14 your father has?

11:11:10 15 JUROR WILEY: Yeah, he has over 300 patents.

11:11:12 16 MR. DACUS: Okay. Is there anything about that
11:11:14 17 experience that would cause you to tend to favor the folks
11:11:18 18 who claim they have a patent in this lawsuit?

11:11:20 19 JUROR WILEY: No. That was just his job, and we
11:11:23 20 didn't really talk about it a lot.

11:11:25 21 MR. DACUS: Understood. You could be fair, is the
11:11:27 22 bottom line?

11:11:28 23 JUROR WILEY: Absolutely.

11:11:30 24 MR. DACUS: All right. Did somebody else right
11:11:31 25 next to you have their hand up?

11:11:39 1 Ms. Lewis?

11:11:44 2 No, I'm sorry, Ms. Blackwell.

11:11:45 3 JUROR BLACKWELL: Yeah, I briefly had a patent
11:11:46 4 with inseparable sheets with my boss.

11:11:51 5 MR. DACUS: I saw that.

11:11:52 6 JUROR BLACKWELL: When I changed jobs, I signed
11:11:54 7 off on the patent, so, yeah.

11:11:55 8 MR. DACUS: Is there anything about that
11:11:57 9 experience that would cause you to -- to favor Vocalife in
11:12:00 10 this case?

11:12:01 11 JUROR BLACKWELL: Huh-uh, no.

11:12:03 12 MR. DACUS: Thank you very much.

11:12:03 13 Anybody else who has personal experience with
11:12:09 14 filing a patent?

11:12:11 15 All right. Great.

11:12:13 16 JUROR LEWIS: I don't have personal experience
11:12:14 17 with filing a patent, but when I worked for Lone Star
11:12:18 18 Steel, we had our premium threads that were patented. And
11:12:21 19 I worked with all those guys.

11:12:23 20 And I also worked with a subsidiary of Lone Star
11:12:26 21 Steel with the hydrosonic system. And they had some
11:12:29 22 patents on some scrubbing devices, and I worked with the
11:12:32 23 engineers on the selling of those products.

11:12:34 24 MR. DACUS: Perfect. Thank you very much,
11:12:40 25 Ms. Lewis.

11:12:45 1 Let me talk to you for a second, Mr. Miller, if I
11:12:49 2 could.

11:12:49 3 That's No. 4, Mr. Fitzpatrick.

11:12:53 4 JUROR MILLER: Yes, sir.

11:12:54 5 MR. DACUS: Ms. Truelove asked you some questions
11:12:56 6 about whether or not you thought it would be okay if
11:12:59 7 somebody was using Eastman patents for Eastman to -- to
11:13:02 8 file a lawsuit and protect themselves, and you said yes.

11:13:06 9 JUROR MILLER: Yes, sir.

11:13:07 10 MR. DACUS: As you naturally should, right?

11:13:10 11 JUROR MILLER: Right.

11:13:11 12 MR. DACUS: And my question to you, sir, is, do
11:13:13 13 you agree that people who are accused of patent
11:13:15 14 infringement have a right to come to the courtroom and
11:13:18 15 defend themselves also?

11:13:20 16 JUROR MILLER: Completely.

11:13:21 17 MR. DACUS: All right. That's all I needed. So I
11:13:23 18 can sleep well tonight knowing that if you sat on this
11:13:27 19 jury, you'd just listen to the evidence and make a decision
11:13:30 20 based on the evidence?

11:13:32 21 JUROR MILLER: Yes, sir.

11:13:33 22 MR. DACUS: All right. Thank you very much.

11:13:34 23 Let's see, Ms. Edwards, there's something in your
11:13:37 24 questionnaire I wanted to ask you about --

11:13:39 25 JUROR EDWARDS: Okay.

11:13:39 1 MR. DACUS: -- if I might. I'm not picking on
11:13:42 2 you.

11:13:42 3 I thought your questionnaire said that you had
11:13:45 4 some expertise in computer programming.

11:13:48 5 JUROR EDWARDS: No. Just like computer training
11:13:50 6 and all that for work.

11:13:51 7 MR. DACUS: Okay. You did check something on the
11:13:54 8 questionnaire? I didn't make that up, did I?

11:13:57 9 JUROR EDWARDS: I don't -- I don't know.

11:13:57 10 MR. DACUS: Okay.

11:13:58 11 JUROR EDWARDS: That was last week or the week
11:14:00 12 before, so it may have gone out of my mind.

11:14:03 13 MR. DACUS: The bottom line is, you don't really
11:14:06 14 consider yourself to have any particular expertise in
11:14:10 15 computer programming?

11:14:11 16 JUROR EDWARDS: Oh, no, no.

11:14:13 17 MR. DACUS: All right. Thank you very much.

11:14:14 18 Let me ask a question about expertise. I mean, I
11:14:18 19 told you that this lawsuit is going to be about, in large
11:14:21 20 part, these microphone arrays and this beamforming that
11:14:25 21 Ms. Truelove talked to you about and how these things
11:14:28 22 listen.

11:14:28 23 Does anybody have any expertise in acoustics or
11:14:32 24 microphones, any expertise in those areas? Can you raise
11:14:36 25 your hand and let me know?

11:14:37 1 That's Ms. Hodges. Can you tell me about that,
11:14:45 2 please, ma'am, once you get the microphone?

11:14:51 3 JUROR HODGES: Well, I don't have the expertise,
11:14:53 4 but my dad had the knowledge, and I listened and watched
11:14:57 5 growing up, of him, with microphones. And he was an
11:15:00 6 electrician, so he put a speaker system through our house
11:15:05 7 that he pretty much -- I don't want to use the wrong
11:15:09 8 word -- he rigged up himself. So, yes, I have knowledge of
11:15:13 9 how it works.

11:15:14 10 MR. DACUS: Okay. All right. Thank you.

11:15:17 11 JUROR HODGES: Okay.

11:15:19 12 MR. DACUS: Thank you very much.

11:15:20 13 Anybody else?

11:15:21 14 Let's see, that's Mr. Gardner, 27.

11:15:24 15 THE COURT: You have five minutes remaining.

11:15:27 16 MR. DACUS: Thank you, Your Honor.

11:15:28 17 Mr. Gardner, did you say you have --

11:15:35 18 COURT SECURITY OFFICER: Hang on, we're waiting on
11:15:37 19 a microphone.

11:15:37 20 MR. DACUS: Oh, I'm sorry.

11:15:37 21 COURT SECURITY OFFICER: He's got one if you want
11:15:39 22 to --

11:15:39 23 MR. DACUS: Yes, sir, I do.

11:15:39 24 Mr. Wiley.

11:15:41 25 JUROR WILEY: I wouldn't call it expertise, but we

11:15:43 1 have to have in physics a general understanding of all that
11:15:46 2 stuff, so I've studied it in general.

11:15:49 3 And I'm also a musician, so I know a little more
11:15:53 4 about noise cancellation and that stuff.

11:15:56 5 But nothing professional or long-term. Just
11:16:00 6 general studies in all those fields.

11:16:03 7 MR. DACUS: Perfect.

11:16:03 8 Mr. Gardner, please don't take offense. As
11:16:07 9 Ms. Truelove said, we're not likely to reach you, and the
11:16:07 10 Judge told me I had five minutes, so I want to ask one more
11:16:13 11 different question if that's okay? Is that all right?

11:16:13 12 All right. So here's what I want to cover before
11:16:16 13 I need to sit down, and that is this issue about invalidity
11:16:22 14 and this presumption of validity, that you heard about this
11:16:25 15 morning.

11:16:25 16 You hear -- you heard on the video that you
11:16:27 17 watched, that the Judge provided, that despite that
11:16:31 18 presumption of validity, the jury makes the ultimate
11:16:35 19 determination as to whether or not a patent is valid. And
11:16:37 20 what you're going to hear in this case and the evidence is
11:16:40 21 that the Patent Office, at least in our opinion, did not
11:16:43 22 have all of the information in front of them to make that
11:16:47 23 decision.

11:16:47 24 So -- so here's what I need to know from folks.
11:16:53 25 Can you -- are you willing -- even though a patent -- the

11:16:56 1 Patent and Trademark Office has issued a patent, are you
11:16:58 2 willing to sit as a juror here and invalidate that patent
11:17:03 3 if the evidence shows you that, in fact, the stuff was
11:17:07 4 known in the public and the patent is not valid? Are you
11:17:10 5 willing to do that? I need you to raise your hand and let
11:17:13 6 me know that you are willing to do that. I need to -- I
11:17:17 7 need to make sure.

11:17:28 8 Is there anyone who is not willing to do that?
11:17:28 9 Raise your hand.

11:17:30 10 Mr. Green, you seem hesitant.

11:17:32 11 JUROR GREEN: I'm trying to understand.

11:17:33 12 MR. DACUS: Let me get you a microphone -- let me
11:17:35 13 get you a microphone, please, sir.

11:17:36 14 JUROR GREEN: I'm not sure I understood the
11:17:38 15 question.

11:17:39 16 MR. DACUS: It's probably because it was poor.
11:17:42 17 And it won't be the last one I'll ask.

11:17:43 18 So we're going to prove to you -- so we're going
11:17:46 19 to put on evidence to show you that this patent, we think,
11:17:48 20 is invalid, even though the Patent Office issued it.

11:17:54 21 Are you willing to sit as a juror, and if we prove
11:17:57 22 that to you, are you willing to say that, in fact, this
11:17:59 23 patent is invalid, even though it was issued by the Patent
11:18:01 24 Office?

11:18:01 25 JUROR GREEN: Yes.

11:18:03 1 MR. DACUS: Okay. Perfect. Thank you very much.

11:18:04 2 And, Mr. Smith, let me -- let me ask you a
11:18:08 3 question.

11:18:09 4 That's No. 15.

11:18:13 5 JUROR SMITH: Yes, sir.

11:18:14 6 MR. DACUS: I know you've sat on a criminal jury,
11:18:17 7 right?

11:18:17 8 JUROR SMITH: Yes, sir.

11:18:17 9 MR. DACUS: Did y'all find that person -- that
11:18:19 10 Defendant guilty?

11:18:20 11 JUROR SMITH: Yes, sir.

11:18:21 12 MR. DACUS: Do you remember the Judge told you
11:18:24 13 that there was a presumption of innocence, just like what's
11:18:26 14 been talked about this morning?

11:18:28 15 JUROR SMITH: Yes, sir.

11:18:28 16 MR. DACUS: And so my assumption is the State
11:18:30 17 overcame that presumption of innocence by evidence, and
11:18:31 18 y'all were able to find the Defendant guilty; is that
11:18:33 19 right?

11:18:34 20 JUROR SMITH: That's right.

11:18:34 21 MR. DACUS: So you know firsthand that there's a
11:18:40 22 presumption but that can be overcome by evidence; you agree
11:18:42 23 with that?

11:18:43 24 JUROR SMITH: Yes, I do.

11:18:43 25 MR. DACUS: All right. Thank you very much.

11:18:44 1 I'm going to sit down now because the Judge is
11:18:50 2 going to make me. But before I do, I'm going to ask the
11:18:53 3 same question Ms. Truelove did. And, that is, I've done
11:18:57 4 this long enough that I know I do not always ask all the
11:19:02 5 right questions.

11:19:02 6 So if you're sitting there thinking, man, that --
11:19:05 7 this -- that lawyer, if he knew this about me, he would not
11:19:10 8 want me on this jury.

11:19:11 9 Is anybody sitting there thinking there's
11:19:13 10 something that I should have asked you, that if you were in
11:19:17 11 my shoes you would want me to know about you and your
11:19:20 12 service on this jury? Can you raise your hand and let me
11:19:23 13 know that now?

11:19:25 14 Okay. I don't see any hands at all.

11:19:27 15 I want to, again, say thank you to each of you
11:19:30 16 for -- for coming to jury service today. It's a very
11:19:34 17 important part of what we're called to do as citizens, and
11:19:38 18 we can't thank you enough. And I appreciate your attention
11:19:40 19 this morning.

11:19:41 20 Thank you, Your Honor.

11:19:43 21 THE COURT: Thank you, counsel.

11:19:44 22 All right. Ladies and gentlemen, at this time,
11:19:46 23 there are certain matters that I need to discuss with
11:19:50 24 counsel outside of your presence.

11:19:52 25 And given our safety protocols, I'm not going to

11:19:56 1 ask you to leave me, I'm going to leave you. I'm going to
11:20:00 2 get up and ask the court reporter to come with me, and I'm
11:20:03 3 going to ask Ms. Truelove and Mr. Dacus to join me in the
11:20:07 4 jury room.

11:20:08 5 I'll take up with them outside of your presence
11:20:11 6 those things I need to discuss without you being present,
11:20:14 7 and then I'll be back in the courtroom and give you further
11:20:17 8 instructions.

11:20:18 9 While I'm out of the courtroom, please keep your
11:20:20 10 seats. If you'd like to visit quietly with someone in the
11:20:24 11 general vicinity, that's fine. If you'd like to sit there
11:20:28 12 quietly and not visit with somebody around you, that's
11:20:31 13 fine, as well. It's strictly up to you.

11:20:32 14 If you choose to have a conversation with anyone,
11:20:35 15 remember, don't talk about anything that's happened in the
11:20:39 16 courtroom this morning so far. Nobody has heard any
11:20:43 17 evidence in this case whatsoever.

11:20:46 18 The -- the process won't take me long in the jury
11:20:51 19 room. I expect to be back here in a few minutes, and then
11:20:56 20 I'll give you further instructions about how we proceed
11:20:59 21 from there. But in the meantime, if you'll just maintain
11:21:04 22 your seats. I want you to have some idea that I am coming
11:21:04 23 back. I'm just not walking away.

11:21:04 24 All right. Counsel, if you'll join me in the jury
11:21:09 25 room, please.

11:21:09 1 COURT SECURITY OFFICER: All rise.

11:22:31 2 (Proceedings conducted in the jury room outside
11:22:48 3 the presence of the venire panel.)

11:22:48 4 THE COURT: Ms. Truelove, do you have any
11:22:50 5 challenges for cause?

11:22:51 6 MS. TRUELOVE: I do not, Your Honor.

11:22:53 7 THE COURT: Okay. Mr. Dacus, do you have any
11:22:57 8 challenges for cause?

11:22:58 9 MR. DACUS: I challenge No. 3, Your Honor.

11:23:03 10 THE COURT: All right. In addition to questioning
11:23:21 11 these -- No. 3, who was challenged for cause by
11:23:26 12 Defendant -- is that your only challenge for cause?

11:23:28 13 MR. DACUS: Yes, Your Honor.

11:23:29 14 THE COURT: Okay. In addition to questioning
11:23:31 15 No. 3, I'm going to also bring back and Question No. 12.

11:23:37 16 There apparently is some uncertainty about whether
11:23:40 17 she lives in the Marshall Division. She's got a P.O. Box
11:23:43 18 in Laneville, Texas, which is the south end of Rusk County.
11:23:47 19 And that's not -- that's in the Tyler Division. But she
11:23:50 20 works in Marshall at the local Kroger grocery store. So I
11:23:55 21 want to make sure she's a qualified juror before we leave
11:23:58 22 her on the panel.

11:23:59 23 In addition to that, I'm going to bring back
11:24:03 24 No. 23, Ms. Walker; No. 25, Ms. Greene; and No. 31,
11:24:16 25 Ms. Porter, who all indicated they had scheduling issues.

11:24:20 1 Let me ask you this, counsel: With only one juror
11:24:31 2 challenged for cause and No. 12 having some question about
11:24:34 3 her qualification, we're not going to reach 23, 25, or 31,
11:24:42 4 are we?

11:24:43 5 MS. TRUELOVE: We will not, Your Honor.

11:24:45 6 MR. DACUS: No, sir.

11:24:46 7 THE COURT: Okay. So at this point, I don't see a
11:24:50 8 need to take the time to bring them back and discuss their
11:24:52 9 scheduling issues. I'll just bring back No. 12 and No. 3.

11:24:57 10 Do either of you have a problem with that?

11:25:00 11 MR. DACUS: No, Your Honor.

11:25:04 12 MS. TRUELOVE: Not from Plaintiff.

11:25:05 13 THE COURT: We'll go back in the courtroom, go
11:25:07 14 back on the record, I'll tell the panel what we're doing,
11:25:09 15 and then we'll come back in here and I'll have the Court
11:25:13 16 Security Officer bring in No. 3 and No. 12 separately so
11:25:17 17 that we can visit with them about the challenge for cause,
11:25:19 18 and I can visit with No. 12 about her residence. Thank
11:25:25 19 you.

11:26:19 20 (The Court on the Bench - Open Court.)

11:26:19 21 COURT SECURITY OFFICER: All rise.

11:26:20 22 THE COURT: Be seated, please.

11:26:20 23 Mr. Elliott, do we have all the members of the
11:26:42 24 venire panel in the courtroom?

11:26:44 25 COURT SECURITY OFFICER: No. 6, Mr. Green, I think

11:26:47 1 is gone.

11:26:48 2 THE COURT: All right. We'll wait for Mr. Green.

11:28:41 3 All right. Ladies and gentlemen, there are a few
11:28:46 4 of you that I am going to need to talk with outside of the
11:28:50 5 presence of the rest of the panel. And I will talk with
11:28:53 6 you with Ms. Truelove and Mr. Dacus present in the jury
11:28:58 7 room. We are going to go back and be in the jury room in
11:29:04 8 just a minute.

11:29:05 9 I'll have the Court Security Officer come in and
11:29:09 10 bring in one at a time those members of the panel that I
11:29:12 11 need to speak with. It's just a couple members of the
11:29:17 12 panel. I don't think it will take long.

11:29:20 13 The same rules apply while I'm off the bench and
11:29:23 14 out of the courtroom. You're free to have a quiet
11:29:27 15 conversation with somebody near you if you'd like. You're
11:29:29 16 not required to.

11:29:30 17 If you do, don't discuss anything about what's
11:29:32 18 happened in court today or since you got to the courthouse
11:29:35 19 this morning.

11:29:35 20 And there will also be an opportunity for the
11:29:43 21 Court Security Officers to see if anybody needs a restroom
11:29:46 22 break.

11:29:47 23 Part of the challenge we have in selecting a jury
11:29:50 24 for an in-person trial in our present circumstances is,
11:29:54 25 ordinarily, I would just say you all are recessed, and you

11:29:57 1 can all walk out the backdoor together, and whoever needs a
11:30:00 2 restroom can go to it. Whoever doesn't, doesn't. We
11:30:03 3 obviously can't do that in today's world.

11:30:06 4 So while I'm off the bench, there'll be a chance,
11:30:10 5 if you need to, to one at a time with the work -- with the
11:30:13 6 help of the CSOs, the Court Security Officers, be excused
11:30:18 7 for a restroom break. I'll be back on the bench fairly
11:30:22 8 soon, and then we'll proceed from there.

11:30:26 9 Again, while I'm out of the courtroom, don't
11:30:28 10 discuss anything that's happened since you've arrived at
11:30:31 11 the courthouse this morning.

11:30:32 12 All right. Counsel, if you'll meet me in the jury
11:30:37 13 room at this time.

11:30:38 14 COURT SECURITY OFFICER: All rise.

11:32:18 15 (Proceedings in the jury room outside the presence
11:33:04 16 of the venire panel.)

11:33:04 17 THE COURT: Would you ask him to bring in Panel
11:33:20 18 Member No. 3, please?

11:33:28 19 (Juror brought into the jury room.)

11:33:28 20 Come in, Mr. Wallace.

11:33:55 21 JUROR WALLACE: Hi, y'all.

11:33:56 22 THE COURT: If you'd have a seat right there.

11:33:59 23 JUROR WALLACE: Yes, sir.

11:34:01 24 THE COURT: I'm pretty confident you can guess
11:34:03 25 that part of why you're back here is so we can inquire as

11:34:06 1 to your ability to be fair and impartial.

11:34:08 2 JUROR WALLACE: Yes, sir.

11:34:09 3 THE COURT: It's not anything about the fact that
11:34:11 4 you are an officer of the court or a trained lawyer, but
11:34:17 5 you've indicated that not only do you know Judge Parish
11:34:24 6 professionally and have for some time, but you know her
11:34:30 7 socially and personally and consider her a close, personal
11:34:33 8 friend.

11:34:34 9 Her husband is on the Plaintiff's trial team and
11:34:36 10 in the courtroom and going to be here throughout the trial.
11:34:38 11 What level of participation in the trial he's going to
11:34:41 12 undertake, I don't know. But I'm sure some level of
11:34:44 13 participation in the trial.

11:34:45 14 So that being the case, I need you to tell me,
11:34:49 15 again, that you're confident that you can completely put
11:34:53 16 out of your mind and remove from any part of your service
11:34:57 17 as a potential juror in this case that friendship and that
11:35:01 18 long association, the fact that you're going to be back in
11:35:05 19 Gilmer seeing Judge Parish in the community, perhaps
11:35:08 20 socially after this, and how you might feel if you end up
11:35:13 21 on a jury that comes back with a verdict that disappoints
11:35:17 22 her husband.

11:35:18 23 JUROR WALLACE: Right.

11:35:19 24 THE COURT: So what can you tell me about your
11:35:21 25 ability to do what is I think pretty clearly a difficult --

11:35:26 1 a difficult thing?

11:35:28 2 JUROR WALLACE: I would acknowledge that that's a
11:35:30 3 difficult thing, but I know, you know, professionally what
11:35:33 4 I'm called upon to do.

11:35:36 5 Since I got my license in 1992, you know,
11:35:39 6 sometimes you have to make hard decisions, and sometimes
11:35:42 7 that upsets people that you know. Sometimes it upsets
11:35:49 8 people that are in your own family, but you still have to
11:35:53 9 do your job. And I'm very keen on doing my job.

11:35:59 10 So I know as an officer of the court, that's one
11:36:03 11 thing -- I took that very seriously when I was a juror
11:36:07 12 on -- in Judge Parish's court actually. She was a
11:36:11 13 presiding judge in a case that I ended up being a
11:36:15 14 foreperson over that jury and returned a verdict for
11:36:18 15 Plaintiff in that one.

11:36:19 16 But, you know, that -- that's -- it is very
11:36:29 17 important to me whether -- as an officer of the court,
11:36:32 18 whether I'm serving on a jury, whether I'm standing watch
11:36:35 19 on the USS Independence, or whether I was cooking chicken
11:36:40 20 for the Colonel many, many years ago. Do my job. So I
11:36:43 21 don't know how to say that any plainer to you or y'all. If
11:36:50 22 it's my job, I'm going to do my job.

11:36:53 23 THE COURT: All right. I have one other question
11:36:54 24 I'm going to ask and then I'm going to let counsel ask any
11:36:59 25 question they want to. But my other question is this:

11:37:02 1 Assume that you're on the jury, assume that you're the only
11:37:05 2 lawyer on the jury, assume you've heard all the evidence in
11:37:08 3 the case, and counsel's made their closing arguments and I
11:37:14 4 send the eight of you back into this jury room to
11:37:17 5 deliberate on the verdict, and the other seven jurors sit
11:37:20 6 down around this table, the first question to answer on the
11:37:23 7 verdict form comes up, and they all look at you and say,
11:37:26 8 you're a lawyer, Mr. Wallace, what should we do?

11:37:30 9 JUROR WALLACE: That's not my job.

11:37:31 10 THE COURT: Are you going to make sure that each
11:37:33 11 juror -- if you're among the jury, are you going to avoid
11:37:37 12 becoming a jury of one? And are you going to not fall into
11:37:41 13 the easy trap of telling everybody else what to do, but
11:37:44 14 make sure they all make their own independent decisions?

11:37:47 15 JUROR WALLACE: I think that would violate my oath
11:37:49 16 if I started doing that, and I'm not going to do that.

11:37:51 17 THE COURT: Okay. And you understand why I ask
11:37:53 18 the question?

11:37:54 19 JUROR WALLACE: Yes, sir, I do. I understand.

11:37:56 20 THE COURT: Mr. Dacus, do you have any questions
11:37:58 21 of Mr. Wallace?

11:38:00 22 MR. DACUS: Nothing, Your Honor.

11:38:01 23 THE COURT: Ms. Truelove?

11:38:02 24 MS. TRUELOVE: I have nothing, Your Honor.

11:38:04 25 THE COURT: All right. Thank you, Mr. Wallace.

11:38:07 1 JUROR WALLACE: Thank you, Judge.

11:38:11 2 (Juror excused to return to the courtroom.)

11:38:11 3 THE COURT: All right. I'm going to do --

11:38:14 4 overrule the challenge for cause as to Mr. Wallace.

11:38:17 5 And, if you will, Ms. Lockhart, ask the Court

11:38:23 6 Security Officer to bring back Panel Member No. 12,

11:38:27 7 Ms. Wheeler.

11:39:06 8 (Juror brought into the jury room.)

11:39:06 9 THE COURT: Come in, Ms. Wheeler. Would you come

11:42:01 10 up and have a seat right here, please, ma'am?

11:42:07 11 I just have a simple question I need to ask to

11:42:09 12 clarify something, Ms. Wheeler. I know you work here in

11:42:12 13 Marshall at Kroger. I've been buying groceries there for

11:42:18 14 35 years.

11:42:18 15 But according to our information, you have a post

11:42:22 16 office box in Laneville, and Laneville is in the south end

11:42:26 17 corner of Rusk County, and Rusk County is not in the

11:42:29 18 Marshall Division. Do you live in Laneville?

11:42:32 19 JUROR WHEELER: No. I share the P.O. Box with my

11:42:34 20 sister.

11:42:35 21 THE COURT: And where is your actual residence?

11:42:38 22 JUROR WHEELER: Here in Marshall on Fairview

11:42:42 23 Street.

11:42:42 24 THE COURT: That's all I needed to know. Thank

11:42:43 25 you, ma'am.

11:42:44 1 JUROR WHEELER: You're welcome.

11:42:47 2 (Juror excused to return to the courtroom.)

11:42:47 3 THE COURT: All right. We'll leave Ms. Wheeler on
11:42:52 4 the venire list, and we'll leave Mr. Wallace on the list.

11:42:56 5 How long do you all need to exercise your
11:43:01 6 peremptory challenges?

11:43:02 7 MR. DACUS: 20 minutes.

11:43:04 8 THE COURT: I'll give you until 10 minutes after
11:43:06 9 12:00.

11:43:08 10 MR. DACUS: Thank you.

11:43:08 11 MS. TRUELOVE: Okay. Great. Thank you,
11:43:12 12 Your Honor.

11:43:12 13 MR. DACUS: We'll strike through 16.

11:43:14 14 MS. TRUELOVE: We'll strike through 16.

11:43:17 15 THE COURT: Right.

11:44:08 16 MS. TRUELOVE: Thank you.

11:44:08 17 THE COURT: Let's go back on the record, and I'll
11:44:08 18 tell everyone what we're doing.

11:44:08 19 (Conference concluded in jury room.)

11:44:08 20 (The Court is back on the Bench - Open court.)

11:44:09 21 THE COURT: Thank you, ladies and gentlemen, for
11:44:10 22 your forbearance and cooperation. I'm going to recess in
11:44:14 23 just a minute so that the lawyers can exercise their
11:44:17 24 peremptory challenges, which is part of the process of
11:44:20 25 securing the eight of you that will be the jurors in this

11:44:23 1 case. That's going to take about 20 or 25 minutes.

11:44:27 2 While we're in recess, I'm going to need all of
11:44:31 3 you to stay in your seats. We don't want to completely
11:44:35 4 frustrate the social distancing we've worked hard to
11:44:39 5 achieve this morning.

11:44:40 6 We'll follow the same course that we followed when
11:44:44 7 I was off the bench and in the jury room. If you'd like,
11:44:44 8 please feel free to have a conversation with anyone near
11:44:48 9 you, if you're comfortable doing that, as long as it's
11:44:49 10 quiet and respectful. You are in a court of law.

11:44:52 11 Don't discuss anything about what's happened since
11:44:55 12 you've arrived at the courthouse today or anything you've
11:44:57 13 heard.

11:44:59 14 Also, given the length of time here, we'll
11:45:02 15 continue, through our Court Security Officers, to see who
11:45:04 16 may need to leave one at a time or in small groups for
11:45:09 17 restroom breaks.

11:45:10 18 Also, ladies and gentlemen, it's a quarter until
11:45:12 19 12:00. It's going to be probably 12:30 or so before I can
11:45:18 20 possibly be back in here, and I am concerned that some of
11:45:24 21 you might not do well if you don't have something to eat
11:45:29 22 right at 12:00 noon.

11:45:31 23 So I've instructed the clerk's office to have
11:45:33 24 peanut butter crackers and bottled water available. While
11:45:38 25 I'm off the bench, if you would like some crackers and some

11:45:41 1 water, if you'll let the Court Security Officers know,
11:45:44 2 they'll see that it's brought in to you one at a time.

11:45:47 3 If you don't care for that, don't feel any need to
11:45:49 4 do it. But I do want to make it available to you, against
11:45:52 5 the prospect that some of you would feel better if you had
11:45:56 6 something to eat past the noon hour.

11:45:59 7 So with all those instructions, please maintain
11:46:03 8 your social distancing in your seats, follow the
11:46:05 9 instructions that I've given you, and I'll be back here as
11:46:08 10 soon as I can to continue with the process.

11:46:11 11 The Court stands in recess.

11:46:12 12 COURT SECURITY OFFICER: All rise.

11:46:15 13 (Recess.)

12:25:04 14 COURT SECURITY OFFICER: All rise.

12:25:12 15 THE COURT: Be seated, please.

12:25:16 16 All right. Ladies and gentlemen, if you will
12:25:19 17 listen carefully. As your name is called, if you'll come
12:25:21 18 forward and take your position in the jury box.

12:25:24 19 I'm going to ask that of our eight jurors that are
12:25:28 20 selected, that the first four be positioned on the front
12:25:31 21 row of the jury box, and the second four on the second row
12:25:35 22 of the jury box.

12:25:37 23 You'll also find a plastic face shield in the
12:25:44 24 chairs up there. I mentioned that earlier. What I'd like
12:25:48 25 you to do is stand in front of a chair that has a plastic

12:25:54 1 face shield in it. When everybody's in place, then I'll
12:25:58 2 ask you to all be seated, and if you'll pick up that
12:26:01 3 plastic face shield and have a seat, that should position
12:26:05 4 you as well as we can and as socially distanced as we can
12:26:09 5 in the jury box.

12:26:09 6 All right. I'm going to ask our courtroom deputy,
12:26:13 7 Ms. Lockhart, to announce the name of our eight -- names of
12:26:16 8 our jurors at this time.

12:26:18 9 COURTROOM DEPUTY: Ellen Banks, Elizabeth Edwards,
12:26:26 10 Dyan Burton, Angela Friday, William Amick, Ashley
12:26:52 11 Stansbury -- bury, Tracie Huskey, and James Smith.

12:27:13 12 THE COURT: Thank you, ladies and gentlemen.
12:27:33 13 Please be seated.

12:27:33 14 Those of you who were not selected for the jury in
12:27:43 15 this case, I'm about to excuse you at this time. But I
12:27:47 16 want to say this before I excuse you: Everybody in this
12:27:52 17 courtroom, the Court, the Court staff, the parties, counsel
12:27:56 18 for both of the parties, everyone here appreciates the
12:28:00 19 sacrifice that each of you made to be here this morning and
12:28:03 20 to present yourself for jury duty. And even though you
12:28:06 21 weren't selected, you performed a very real and significant
12:28:09 22 and important public service by being here.

12:28:13 23 It is not lost on any of us that every one of you
12:28:17 24 had other places to be today, things to do that were
12:28:20 25 important in your respective lives, and you set that aside,

12:28:24 1 and you sacrificed and came and presented yourselves, as
12:28:27 2 you were called upon to do as good citizens.

12:28:30 3 Quite honestly, ladies and gentlemen, the Court
12:28:33 4 could not function and discharge its duties under the
12:28:41 5 Constitution without ordinary citizens such as yourselves
12:28:43 6 doing what you've done this morning, putting your other
12:28:46 7 responsibilities and the other important things in your
12:28:49 8 lives on hold and presenting yourself for jury duty.

12:28:53 9 We can't thank you enough. Believe me, we
12:28:57 10 appreciate you more than I can express this morning, and I
12:29:00 11 want you to know that, on behalf of everybody here, before
12:29:02 12 you leave.

12:29:03 13 Also, as you leave, if you will go by the clerk's
12:29:06 14 office, they want to retrieve those very expensive numbers
12:29:09 15 you have pinned to your garments. They also will answer
12:29:12 16 any questions you have.

12:29:14 17 If you need any kind of a document to show to an
12:29:17 18 employer, to explain where you have been this morning,
12:29:21 19 they'll assist you with that, and they'll take any other
12:29:24 20 questions you have and assist you in any other way they
12:29:29 21 can.

12:29:29 22 Again, ladies and gentlemen, thank you so very
12:29:32 23 much for the important role you played in being here today.

12:29:33 24 Those on the panel not selected as members of the
12:29:37 25 jury are now excused.

12:29:42 1 COURT SECURITY OFFICER: All rise.

12:30:23 2 (Unselected venire panel members out.)

12:30:28 3 THE COURT: All right. I'd like to ask everyone
12:30:30 4 but the members of the jury to be seated, please.

12:30:32 5 Members of the jury, I'm going to ask
12:30:34 6 Ms. Lockhart, our courtroom deputy, to administer the oath
12:30:37 7 as jurors to you now.

12:30:39 8 (Jurors sworn.)

12:30:43 9 THE COURT: Please have a seat.

12:30:56 10 Ladies and gentlemen, I'm about to excuse you for
12:31:01 11 lunch. I'm told by the clerk's office that your lunch is
12:31:05 12 in the jury room and available to you.

12:31:07 13 But before I do, I need to go over a few brief
12:31:11 14 things with you.

12:31:11 15 First of all, during the lunch break, please make
12:31:16 16 sure that you give to Ms. Clendening a good working cell
12:31:20 17 phone number for each of you. If there were any reason why
12:31:24 18 we would need to get you before you were to appear the next
12:31:28 19 day, we would need a good number where we could reach you.

12:31:31 20 I know that several of you have a good distance to
12:31:33 21 drive to get to the courthouse from where you live, and
12:31:35 22 it's not likely, but if we needed to reach you before you
12:31:38 23 arrived or overnight, we'd like to have that number.

12:31:42 24 Also, let me give you a couple instructions that
12:31:47 25 I'm expecting you to follow and that are important enough

12:31:50 1 I'm going to give them to you now and not wait until after
12:31:54 2 lunch.

12:31:54 3 First of all, do not discuss this case with
12:31:57 4 anyone. Do not discuss this case with anyone. And when I
12:32:01 5 say "discuss," I mean communicate about the case or
12:32:09 6 anything related to it, in the broadest sense possible.

12:32:13 7 Let me explain this to you. At the end of the
12:32:15 8 trial when all the evidence has been presented and I've
12:32:18 9 given you my final instructions on the law that you are to
12:32:21 10 follow and counsel for the two parties have presented their
12:32:23 11 closing arguments to you, I'm going to instruct you to
12:32:27 12 retire to the jury room and to deliberate on your verdict.

12:32:29 13 The verdict is going to be a list of questions
12:32:31 14 that you will need to answer, and your answers to those
12:32:35 15 questions will have to be unanimous.

12:32:40 16 However, it is absolutely essential and
12:32:41 17 fundamental to this process that the only information you
12:32:46 18 have to draw upon in answering those questions in the
12:32:49 19 verdict form must come to you solely and only through the
12:32:54 20 evidence that's presented in this trial.

12:32:56 21 And that means the sworn testimony of the
12:32:58 22 witnesses presented, subject to cross-examination, and the
12:33:03 23 exhibits and other documents that the Court has found to be
12:33:07 24 admissible under the Rules of Evidence and has admitted as
12:33:12 25 exhibits in this case.

12:33:13 1 Those things must be the sole universe of the
12:33:16 2 information that you draw upon to answer those questions in
12:33:19 3 the verdict form.

12:33:20 4 If you have other information from any other
12:33:23 5 source that's involved in you answering any of those
12:33:27 6 questions, then that will jeopardize the entire process and
12:33:32 7 result in us probably having to start over with another
12:33:35 8 jury and use all the time and resources again that have
12:33:39 9 been dedicated to this trial.

12:33:40 10 So all the instructions I'm going to give you,
12:33:44 11 ladies and gentlemen, are important. This one is number
12:33:47 12 one for a reason, and it's so important that you're going
12:33:50 13 to hear this repeat -- repeated by me throughout the trial.

12:33:57 14 As a matter of fact, most jurors are sick and
12:33:59 15 tired of hearing this from me by the time the trial is
12:34:02 16 over, but I'm going to continue to repeat it. Pretty much
12:34:06 17 any time you get out of those chairs, you're going to hear
12:34:09 18 that from me, because it is that critical and that
12:34:11 19 important that the sole and only source of information you
12:34:13 20 have to draw upon to answer the questions that will be
12:34:16 21 asked of you in the verdict must come only and solely from
12:34:19 22 the sworn testimony presented in court and the exhibits
12:34:22 23 that the Court introduces.

12:34:25 24 And when I say don't discuss the case
12:34:28 25 among your -- among -- with anyone, rather, that means

12:34:31 1 among yourselves, too. And until all the evidence is in,
12:34:36 2 until I've given you my final instructions, and until I
12:34:40 3 have directed you to retire and deliberate on your verdict,
12:34:45 4 you must not discuss anything or communicate in any way
12:34:49 5 about this case with, not only everybody else, but among
12:34:53 6 the eight of you, as well.

12:34:54 7 Now, at that point when you have heard all the
12:34:57 8 evidence, when I've given you my final instructions, when
12:35:00 9 counsel have presented their closing arguments, and when I
12:35:04 10 have instructed you to retire to the jury room and to
12:35:06 11 deliberate on your verdict, at that moment, but not an
12:35:12 12 instant before, but at that moment, it becomes your duty to
12:35:16 13 discuss this case and the evidence among the eight of you
12:35:19 14 so that you can arrive at unanimous answers to those
12:35:22 15 questions that will be in the verdict form.

12:35:24 16 But until that point in time, you are not to
12:35:28 17 communicate in any way or discuss anything about the case
12:35:32 18 with each other or anyone else.

12:35:35 19 And when I say -- when I say "discuss" or
12:35:40 20 "communicate," I mean those words in the broadest sense of
12:35:44 21 the term. That's not only oral communications. That's
12:35:47 22 written communications. That's digital communications.
12:35:50 23 That's electronic communications.

12:35:54 24 If any of you on the jury are users of social
12:35:58 25 media, don't post on Facebook, don't tweet on Twitter,

12:36:02 1 don't use Instagram, or any other possible social media
12:36:07 2 platform to communicate or discuss anything about the case.

12:36:12 3 Also, you're not to do any research about this
12:36:17 4 case in any shape, form, or fashion. That means you are
12:36:20 5 not to get on the Internet and do a search for Amazon or
12:36:26 6 Vocalife or any of the lawyers or any of the witnesses or
12:36:29 7 anything you hear about in the case.

12:36:32 8 You're not to -- you're not to research anything
12:36:35 9 about this in any way. That involve -- that means online.
12:36:39 10 That means if you happen to be in a library, don't pull an
12:36:43 11 encyclopedia off the shelf and do it that way. Don't do
12:36:46 12 any research whatsoever.

12:36:47 13 Again, it all comes back to this fundamental
12:36:54 14 principle, that the sole source of the information you'll
12:36:56 15 have to draw upon to answer the questions in the verdict
12:36:58 16 form at the end of the trial must be limited and solely
12:37:03 17 confined to the witnesses who've testified under oath and
12:37:08 18 subject to cross-examination and the exhibits introduced
12:37:11 19 into evidence and approved as fully admissible by the
12:37:16 20 Court. That's it. And that is the fundamental basis upon
12:37:20 21 which this trial must go forward. So don't do any research
12:37:23 22 of any kind.

12:37:23 23 As a matter of fact, ladies and gentlemen, if any
12:37:26 24 of you have smartphones with you, those are little
12:37:29 25 computers that also allow you to make telephone calls. I'm

12:37:32 1 going to ask that beginning tomorrow, if you have
12:37:36 2 smartphones, if you have tablets, iPads, any kind of
12:37:40 3 electronic devices, if you have Apple watches that you can
12:37:43 4 do Internet searches on, leave all those electronic devices
12:37:48 5 either at home or leave them in your automobiles outside
12:37:52 6 the courtroom, but don't bring them in the courthouse.

12:37:58 7 It's sometimes tempting for jurors to, quote,
12:38:02 8 Google something real quick when they don't understand it,
12:38:04 9 and that's not proper, and that's not permissible.

12:38:07 10 So to remove the temptation, don't bring any
12:38:11 11 electronic devices into the courthouse starting tomorrow.
12:38:14 12 If you have them today, that's fine. Leave them where you
12:38:14 13 have them, but don't bring anything into the courthouse
12:38:17 14 tomorrow that would fit in that category or would provide
12:38:19 15 that kind of temptation.

12:38:20 16 Also, ladies and gentlemen, during the course of
12:38:24 17 this trial, there are going to be times as you come in the
12:38:29 18 morning, you leave in the evenings, at other times, you are
12:38:34 19 going to come in relatively close contact to some of the
12:38:37 20 lawyers, some of the witnesses, some of the support staff,
12:38:41 21 the corporate representatives for these companies, other
12:38:44 22 people associated with this trial.

12:38:45 23 When that happens, they're not going to talk to
12:38:50 24 you. They're not going to speak. They're not going to say
12:38:53 25 good morning. They're not going to say, how are you today?

12:38:56 1 They're not going to be friendly. They're not going to be
12:39:00 2 engaging. They're not going to be gregarious as we often
12:39:04 3 are in East Texas.

12:39:06 4 That's because I've instructed them not to be.
12:39:08 5 That's because the only communications that you should have
12:39:10 6 to draw on are the ones that come under oath in open court.

12:39:14 7 So when you walk by one of these lawyers coming
12:39:18 8 into the courthouse in the morning or you see one of the
12:39:21 9 witnesses and you walk by or are in close proximity to them
12:39:21 10 and they don't speak and they're not friendly and they're
12:39:24 11 not outgoing, don't hold that against them. Don't think
12:39:27 12 they're being rude. Don't consider that anything to be
12:39:32 13 negative in any way because they're simply doing what the
12:39:36 14 Court's instructed them to do.

12:39:37 15 Also, ladies and gentlemen, I think that I should
12:39:41 16 make sure that you understand this. It is possible over
12:39:46 17 the course of this trial that some outside person, some
12:39:51 18 outside source might try to contact you about your service
12:39:55 19 as jurors and the ultimate decisions that you will make. I
12:40:01 20 don't think that's likely.

12:40:02 21 But let me just say, ladies and gentlemen, there
12:40:04 22 are no unimportant cases that get to trial in a United
12:40:09 23 States District Court.

12:40:09 24 And if anywhere along the way anybody attempts to
12:40:12 25 contact you or has any interaction with you that you feel

12:40:16 1 is inappropriate or not what it should be in any way, then
12:40:21 2 you should immediately inform Ms. Clendenning. She will let
12:40:25 3 me know, and the Court will deal with it.

12:40:29 4 Again, I don't think that's likely, but it is
12:40:30 5 within the realm of possibility, and so I at least want to
12:40:33 6 put you on notice about it.

12:40:35 7 Also, ladies and gentlemen -- and I'll give you
12:40:39 8 more instructions on this after lunch -- but so you will
12:40:42 9 know for planning purposes, it's always been my experience
12:40:46 10 since I've been a United States District Judge, that
12:40:50 11 jurors, especially in our division, which includes six
12:40:53 12 counties and covers a lot of geographic area, would rather
12:40:57 13 get here early and stay late and be away from their homes
12:41:01 14 and their families and their work fewer days than come
12:41:04 15 late, break early, and take a longer number of days to try
12:41:07 16 the case.

12:41:08 17 So I am anticipating that we will start each
12:41:15 18 morning about 8:30. And I'm going to ask you each evening
12:41:19 19 when you leave to be sure you're back the next day,
12:41:23 20 assembled in the jury room, and ready to go by 8:30. And
12:41:27 21 we're not going to stop at 5:00 on the dot. We won't run
12:41:32 22 this trial, as they say, like banker's hours. And I can't
12:41:36 23 tell you exactly when we will stop each day.

12:41:38 24 Some of these witnesses that you're going to hear
12:41:40 25 may be on the witness stand an hour, sometimes two hours,

12:41:44 1 sometimes there are lengthy testimonies to be given, and
12:41:48 2 it's always heard to break a witness in the middle of their
12:41:52 3 testimony.

12:41:53 4 So depending on exactly how things fall, we'll
12:41:56 5 work each evening until probably not earlier than 5:30,
12:42:00 6 maybe 6:00 o'clock. In some rare cases, maybe a little
12:42:04 7 later than 6:00 o'clock.

12:42:05 8 But I want to give you a general idea of what to
12:42:10 9 expect so those who may be waiting for you at home each
12:42:13 10 evening have an idea of when you'll be on the road and when
12:42:17 11 you'll be back at your homes.

12:42:18 12 Let me tell you one other thing relating back to
12:42:22 13 this first instruction that I gave you. Unless you live
12:42:26 14 alone, whenever you get home tonight, wherever that is,
12:42:29 15 whoever is there when you get home, I guarantee the first
12:42:34 16 thing you're going to hear from them is, tell me what
12:42:37 17 happened in federal court in Marshall today.

12:42:39 18 Don't even try to answer that question, because if
12:42:42 19 you do, no matter how you try to answer it, you're going to
12:42:45 20 violate the instruction that I've given you.

12:42:48 21 So when that happens, and I promise you it will,
12:42:51 22 unless you live alone, just look at whoever it is and say,
12:42:58 23 that very stern Federal Judge told me not to talk about
12:43:01 24 this case with anyone, and that's what I'm going to do. He
12:43:04 25 also told me that when this trial is over and when I was no

12:43:07 1 longer a juror in the case, I'd be free to talk about it
12:43:07 2 with anybody that I chose to talk about it with.

12:43:10 3 But don't even try to answer that question when
12:43:13 4 you get home tonight, because I promise you, unless you
12:43:16 5 live alone, somebody's going to ask you that question. And
12:43:18 6 if you try to answer it, you'll violate that first
12:43:21 7 instruction that I've given you.

12:43:22 8 All right. Ladies and gentlemen, it's roughly 15
12:43:27 9 minutes until 1:00. Your lunches are in the courtroom --
12:43:31 10 excuse me, in the jury room, as I said. I'm going to do
12:43:37 11 our best to start back at 1:30. And please follow all the
12:43:40 12 instructions I've given you.

12:43:41 13 Also, while you're on lunch break, if you'll open
12:43:44 14 those plastic face shields. One thing I need to remind you
12:43:48 15 of, there's a plastic film that protects the face shield on
12:43:52 16 the front and the back. Please be sure you peel off that
12:43:56 17 plastic film, or you'll do like I did the first time I put
12:44:01 18 one on, everything will look blurry and smeared. So don't
12:44:06 19 put it on without removing the film that protects the
12:44:06 20 plastic shield.

12:44:08 21 And then, if you will, please wear that in place
12:44:09 22 of your mask when you come back in after lunch.

12:44:12 23 If anybody on the jury has a very strong personal
12:44:16 24 conviction that they should keep their mask on, I'm not
12:44:18 25 going to make you take it off. But, again, it's very

12:44:21 1 difficult for the lawyers to try this case the way they
12:44:25 2 should unless they have the benefit of seeing each of you
12:44:28 3 and have the ability to judge whether what they're trying
12:44:31 4 to get across is -- is getting home and whether it's
12:44:34 5 getting across to you or not. And a lot of that is them
12:44:36 6 reading you over the course of the trial.

12:44:38 7 So, if at all possible, please wear those face
12:44:42 8 shields instead of your mask when you come back in after
12:44:44 9 lunch.

12:44:44 10 All right. With those instructions, ladies and
12:44:47 11 gentlemen, you are excused for lunch.

12:44:48 12 COURT SECURITY OFFICER: All rise.

12:44:49 13 (Jury out.)

12:44:50 14 THE COURT: Any questions from either Plaintiff or
12:45:24 15 Defendant before we recess for lunch?

12:45:26 16 MS. TRUELOVE: Nothing from Plaintiff, Your Honor.

12:45:28 17 MR. DACUS: No, Your Honor.

12:45:29 18 THE COURT: Over the break, feel free to bring
12:45:32 19 your remaining trial teams up and get positioned. And I'll
12:45:39 20 begin with my preliminary instructions to the jury at 1:30.

12:45:44 21 The Court stands in recess.

22 (Recess.)

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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

/S/ Shelly Holmes
SHELLY HOLMES, CSR, TCRR
OFFICIAL REPORTER
State of Texas No.: 7804
Expiration Date: 12/31/2020

10/1/2020
Date